

City Clerk File No. Ord. 15.175

Agenda No. 3.C 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.175

TITLE: ORDINANCE AMENDING THE CHARTER OF THE CITY OF JERSEY CITY TO CHANGE THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM THE SECOND TUESDAY IN MAY TO THE DATE OF THE GENERAL ELECTION IN NOVEMBER, SUBJECT TO THE APPROVAL OF THE ORDINANCE BY THE VOTERS TO AMEND THE CITY CHARTER BY A BINDING REFERENDUM

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

WHEREAS, the City of Jersey City is governed by the Mayor-Council Form C of Government under the Optional Municipal Charters Law of 1950, more commonly known as the Faulkner Act, N.J.S.A. 40:69A-1; and

WHEREAS, pursuant to N.J.S.A. 40:69A-34.1(a), the City of Jersey City previously opted to hold its regular municipal elections on the second Tuesday in May, rather than the first Tuesday in November; and

WHEREAS, pursuant to the Faulkner Act, N.J.S.A. 40:69A-25.1, a municipality may amend its Charter to change the time of its regular municipal elections from May to November as an alternative permitted under the Mayor-Council Form C of Government; and

WHEREAS, maximizing voter participation in municipal elections fosters civic engagement and ensures that the collective will of the people is more accurately reflected in election results; and

WHEREAS, combining regular municipal elections with general elections in November should result in greater participation in both elections; and

WHEREAS, moving the City of Jersey City's regular municipal elections from May to November would result in substantial savings to the taxpayers by eliminating the added expense of conducting a separate election in May; and

WHEREAS, the City of Jersey City's next regular municipal election does not take place until 2017, and therefore the next general election in November 2016 is an optimal time to submit to the voters a binding referendum on the question of moving the City of Jersey City's regular municipal elections to November; and

WHEREAS, after due consideration and review, the Municipal Council concluded that moving the election from May to November would save the taxpayers the added expense of conducting a separate election, generally increase voter participation, align the terms of elected municipal officials with the City's fiscal year, as well as to otherwise serve the best interests of the voters; and

WHEREAS, a non-binding referendum on the question of moving the City of Jersey City's regular municipal elections to November was submitted to the voters at the election on November 3, 2015, and a majority of voters favored changing the date of the regular municipal elections from the second Tuesday in May to the day of the general election in November; and

WHEREAS, it is well within the Municipal Council's powers to simply adopt an ordinance to change the date pursuant to the Uniform Non Partisan Elections Law, N.J.S.A. 40:45-7.1; and

ORDINANCE AMENDING THE CHARTER OF THE CITY OF JERSEY CITY TO CHANGE THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM THE SECOND TUESDAY IN MAY TO THE DATE OF THE GENERAL ELECTION IN NOVEMBER, SUBJECT TO THE APPROVAL OF THE ORDINANCE BY THE VOTERS TO AMEND THE CITY CHARTER BY A BINDING REFERENDUM

WHEREAS, the Mayor and Municipal Council would like to be absolutely certain of the voters' will, the Municipal Council has chosen to effectuate the change in the election date if the voters approve a binding referendum to amend the Charter of the City of Jersey City pursuant to the Faulkner Act, N.J.S.A. 40:69A-25.1; and

WHEREAS, after due consideration and review, the Mayor and Municipal Council concluded that the best way to be certain of the will of the Jersey City residents is to put a binding question before the voters at the November 2016 election, which it is anticipated will have a very high participation rate as it is a presidential election; and

WHEREAS, despite already having approval of the voters, placing a binding question before the voters in November 2016 will allow the Mayor and Council to give the voters yet another chance to be heard at no additional cost to the voters; and

WHEREAS, placing a question before the voters in November would still provide all impacted administrative offices ample time to adjust procedures should the question prevail, negating any need for an earlier binding question; and

WHEREAS, pursuant to N.J.S.A. 40:69A-25.1(b), the question shall be submitted to the voters in substantially the following form:

"Should the Charter of the City of Jersey City, governed by Mayor-Council Form C, be amended as permitted under that plan, to provide for the holding of its regular municipal elections on the same date of the general election in November, pursuant to N.J.S.A. 40:69A-34.1(b)?" and

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

1. The Municipal Clerk is hereby directed to submit the following question to the voters in a binding referendum:

"Should the Charter of the City of Jersey City, governed by Mayor-Council Form C, be amended as permitted under that plan, to provide for the holding of its regular municipal elections on the same date of the general election in November, pursuant to N.J.S.A. 40:69A-34.1(b)?"

2. In accordance with N.J.S.A. 40:69A-192(c), the above binding referendum shall be submitted to the voters at the next general election taking place in November 2016.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect subject to the terms of this ordinance at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____

Business Administrator

Certification Required ☐

Not Required ☐

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.175

TITLE: 3.C DEC 16 2015 4.A JAN 13 2016

Ordinance amending the Charter of the City of Jersey City to change the date of the Regular Municipal Election from the second Tuesday in May to the date of the General Election in November, subject to the approval of the ordinances by the voters to amend the City Charter by a binding referendum.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 5-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	ABS	ENT	
RAMCHAL	✓			OSBORNE	ABS	ENT		WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>LAVARRO</u>				moved, seconded by Councilperson <u>OSBORNE</u>				to close P.H. <u>9-0</u>			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

SCOTT GAURRYCH
BILL MATSIKOWIS
YVONNE BALZER
JOSEPHINE PRICE
LAWAN WASHINGTON

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 7-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL				OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓	✓		COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on

DEC 16 2015

Adopted on second and final reading after hearing on

JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

JAN 13 2016

Robert Byrne, City Clerk
Robert Byrne, City Clerk

*Amendment(s)

APPROVED:

Rolando R. Lavarro, Jr.
Rolando R. Lavarro, Jr., Council President
Date JAN 13 2016

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor
Date JAN 15 2016

Date to Mayor JAN 14 2016

City Clerk File No. Ord. 15-176

Agenda No. 3.D 1st Reading

Agenda No. 4.B 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15-176

TITLE: ORDINANCE AMENDING CHAPTER 263 (RETAIL AND COMMERCIAL PREMISES) ARTICLE II (HOURS OF RETAIL BUSINESSES) OF THE JERSEY CITY MUNICIPAL CODE TO INCLUDE ROSE AVENUE BETWEEN CATOR AVENUE AND DANFORTH AVENUE AS A LOCATION WHERE RETAIL ESTABLISHMENTS SHALL BE CLOSED DURING SPECIFIED HOURS

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, the City of Jersey City (City) adopted an ordinance in 1982, regulating the hours of retail establishments on specified streets within the City; and

WHEREAS, the ordinance was adopted after complaints by residents and the late-night police activity in the areas affected indicated that the operation of retail establishments such as retail stores, fast-food establishments and restaurants, was causing large crowds of juveniles and young adults to congregate in the areas throughout the late night and early morning hours; and

WHEREAS, based on the reports of residents in the affected areas and police officers assigned to these areas, such crowds were causing public disturbances late into the night and early morning which prevented residents from using the streets and enjoying peace and quiet within their homes; and

WHEREAS, based on the reports of police officers, the congregation of juveniles and young adults in the vicinity of all-night retail establishments was causing an increase in criminal activity such as assaults, robberies and in particular drug-related crime; and

WHEREAS, based on reports made and received by the police department, the same conditions now exist on Rose Avenue, between Cator and Danforth Avenues, as a result of retail establishments remaining open after midnight; and

WHEREAS, having reviewed the reports from his officers and affected citizens, the Police Director has recommended that Rose Avenue between Cator and Danforth Avenues be added to the locations where business hours are subject to regulation.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- A. The following amendments to Chapter 263 (Retail and Commercial Premises) Article II (Hours of Retail Businesses) are hereby adopted:

RETAIL AND COMMERCIAL PREMISES

ARTICLE II Hours of Retail Businesses

- §263-2. No Change.
§263-3. No Change.

ORDINANCE AMENDING CHAPTER 263 (RETAIL AND COMMERCIAL PREMISES) ARTICLE II (HOURS OF RETAIL BUSINESSES) OF THE JERSEY CITY MUNICIPAL CODE TO INCLUDE ROSE AVENUE BETWEEN CATOR AVENUE AND DANFORTH AVENUE AS A LOCATION WHERE RETAIL ESTABLISHMENTS SHALL BE CLOSED DURING SPECIFIED HOURS

§263-4. Business to be closed during certain hours; exceptions.

- A. Subject to Subsection B, no restaurant or retail sales establishment shall conduct any business between the hours of 11:00 p.m. and 5:00 a.m. of the next day in any of the following districts of Jersey City:

Name of Street	From	To
Communipaw Avenue	Martin Luther King Drive	Grand Street
Communipaw Avenue	Monticello Avenue	Westside Avenue
Communipaw Avenue	Pine Street	Manning Avenue
Franklin Street	Central Avenue	Palisade Avenue
Kennedy Boulevard	North Street	Secaucus Road
Martin Luther King Drive	McAdoo Avenue	Communipaw Avenue
Monticello Avenue	Communipaw Avenue	Orchard Street
Ocean Avenue	Bayonne Line	Brhanhall Avenue
Pacific Avenue	Communipaw Avenue	Grand Street
Palisade Avenue	Beacon Avenue	North Street
<u>Rose Avenue</u>	<u>Cator Avenue</u>	<u>Danforth Avenue</u>
Sip Avenue	Summit Avenue	Bergen Avenue
Summit Avenue	North Street	Secaucus Road
Paterson Plank Road and Secaucus Road	Central Avenue	Summit Avenue

- B. No Change.
- C. No Change.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

TF/he
12/07/15

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AMENDING CHAPTER 263 (RETAIL AND COMMERCIAL PREMISES) ARTICLE II (HOURS OF RETAIL BUSINESSES) OF THE JERSEY CITY MUNICIPAL CODE TO INCLUDE ROSE AVENUE BETWEEN CATOR AVENUE AND DANFORTH AVENUE AS A LOCATION WHERE RETAIL ESTABLISHMENTS SHALL BE CLOSED DURING SPECIFIED HOURS

Initiator

Department/Division	Council Office	Council Office
Name/Title	Frank Gajewski	Councilman
Phone/email	(201) 547-5098	FGajewski@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The council adopted an ordinance in 1982, regulating the hours of retail establishments on specified streets within the City. The ordinance was adopted after complaints by residents and the late-night police activity in the areas affected indicated that the operation of retail establishments such as retail stores, fast-food establishments and restaurants, was causing large crowds of juveniles and young adults to congregate in the areas throughout the late night and early morning hours, causing not only public disturbances as well as an increase in criminal activity such as assaults, robberies and in particular drug-related crime.

The police department has now concluded that the same conditions exist on Rose Avenue between Cator and Danforth Avenues, as a result of retail establishments remaining open after midnight and have provided detail factual reports to support this conclusion and its recommendation that the business curfew be applied to Rose Avenue between Cator and Danforth Avenues. Having reviewed the reports from his officers and affected citizens, the Police Director has recommended that Rose Avenue between Cator and Danforth Avenues be added to the locations where business hours are subject to regulation.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.176
TITLE: 3.D DEC 16 2015 4.B JAN 13 2016

Ordinance amending Chapter 263 (Retail and Commercial Premises) Article II (Hours of Retail Businesses) of the Jersey City Municipal Code to include Rose Avenue between Cator Avenue and Danforth Avenue as a location where retail establishment shall be closed during specified hours.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABS	EAH	
RAMCHAL	✓			OSBORNE	ABS	EAH		WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H. 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

DEC 16 2015

Adopted on first reading of the Council of Jersey City, N.J. on

JAN 13 2016

Adopted on second and final reading after hearing on

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 13 2016

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President
Date JAN 13 2016

APPROVED:

Steven M. Fulop, Mayor
Date JAN 15 2016

Date to Mayor JAN 14 2016

City Clerk File No. Ord. 15.179

Agenda No. 3.6 1st Reading

Agenda No. 4.D 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.179

TITLE: AN ORDINANCE GRANTING PERMISSION TO ONE EDWARD HART ROAD, LLC, ITS SUCCESSORS AND/OR ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY OF ONE EDWARD HART ROAD, JERSEY CITY, NEW JERSEY ALSO KNOWN ON THE TAX MAP OF THE CITY OF JERSEY CITY AS BLOCK 24304, LOT 6.

WHEREAS, 1 EDWARD HART DRIVE, LLC, having offices located One Edward Hart Road, Jersey City, New Jersey 07302, is the owner of the property located at One Edward Hart Road, and known as Block 24304, Lot 6 on the current tax map of the City of Jersey City ("Property"); and

WHEREAS, 1 Edward Hart Road, LLC is referred to as the Petitioner; and

WHEREAS, the development of the Property is currently under construction; and

WHEREAS, pursuant to a Jersey City Planning Board Resolution for Preliminary and Final Major Site Plan Approval Petitioner was granted approval to convert the existing building into public recreation uses that includes a restaurant/bar with an associated "brew pub" with recreational and instructional bowling and other activities, with regard to the Property

WHEREAS, part of the development approval granted includes the right to add a public area totaling approximately 10,422.9 square feet, which shall consist of Block 24304, Lot 6 along Morris Pesin Drive and Edward J. Hart Road (a/k/a Edward Hart Drive) in the public right of way fronting the building at Morris Pesin Drive, (see Franchise Area Plans prepared by Calisto J. Bertin, P.E., Miloslav Rehak, P.L.S. and Jeffrey M. Zielinski, P.E., of Bertin Engineering, 66 Glen Avenue, Glen Rock, New Jersey 07452 and attached hereto as **Exhibit "A"** and **Exhibit "B"**); and

WHEREAS, the franchise area is more particularly described in the Franchise Description prepared by Miloslav Rehak, NJ Professional Land Surveyor, No. 43233 of Bertin Engineering, 66 Glen Avenue, Glen Rock, New Jersey 07452 and attached hereto as **Exhibit "C"**.

WHEREAS, as part of their approvals the Applicant will be constructing an outdoor public area, repairing and/or replacing an outdoor patio, grass area, seating area, installing lighting and any other ancillary outdoor uses in the Franchise Area; and

WHEREAS, the Applicant will also be constructing a functioning silo in the Franchise Area that will hold grain to be used in production of the ale; and

WHEREAS, the Applicant will also be constructing and maintaining an entryway in the Franchise Area that is necessary to transition the public from the outdoor area to the building at the Property.

WHEREAS, the Petitioner, shall be constructing any and all improvements necessary for **WHAT ARE YOU DOING** in the public right of way, fronting the building at One Edward Hart Road; and

WHEREAS, the construction of the Franchise Area in the public right of way will not interfere with pedestrian traffic but will enable pedestrian traffic upon the right-of-way; and

WHEREAS, the proposed construction in the public right of way, will enhance the Liberty Harbor Redevelopment Plan and property and the surrounding area and neighborhood; and

WHEREAS, the construction of private improvements to the Property will aesthetically enhance the Property; and

WHEREAS, the Petitioner has provided a proposed Franchise Area Plan and rendering of the proposed improvements (see **Exhibit "A"** and **Exhibit "B"**) and a metes and bounds description of the area (see **Exhibit "C"**); and

WHEREAS, the Petitioner is required to file the Petition for a Franchise Ordinance to place these improvements; and

WHEREAS, there will remain sufficient area in the rights-of-way for pedestrian use, and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, Petitioner has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests and essential for the completion of the construction of the development; and

WHEREAS, Petitioner has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests of the development and the general welfare; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Petitioner to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The contemplated improvements will include the following along Morris Pesin Drive and Edward J. Hart Road (a/k/a Edward Hart Drive):
 - A. The construction of an outdoor public area, repair, construction, replacement and/or protection of the outdoor patio, grass area, seating area, lighting and other ancillary outdoor uses.
 - B. The construction of a functioning silo that will hold grain to be used in production of the ale.
 - C. Construction and maintenance of an entryway that is necessary to transition the ; and
2. All costs and maintenance associated with these improvements will be incurred by the Petitioner, and there being no objections thereto; and

WHEREAS, the Jersey City Zoning Officer and Building Department can approve the construction of these improvements at the Properties conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within this Property is situated, the said improvements will enhance public purposes, and the aesthetic and character of the property and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

SECTION I. Permission be, and is hereby granted to Petitioner 1 Edward Hart Road, LLC, its successors and/or assigns, to construct and maintain private improvements to a portion of lands located within the Morris Pesin Drive and Edward J. Hart Road (a/k/a Edward Hart Drive) public right-of-way, Jersey City, New Jersey and known as Block 24304, Lot 6, on the current tax map of the City of Jersey City, said areas being more particularly described on the Franchise Area Plan and the metes and bounds descriptions attached hereto as **Exhibit "A", Exhibit "B" and Exhibit "C"**.

1. The contemplated improvements will include the (a) construction of an outdoor public area, repair, replacement and/or protection of the outdoor patio, grass area, seating area, lighting and other ancillary outdoor uses, (b) the construction of a functioning silo that will hold grain to be used in production of the ale, and (c) construction and maintenance of an entryway that is necessary to transition the public from the outdoor area to the building at the Property.
2. The contemplated improvements will be consistent in design as shown in **Exhibit "B"**.
3. There will remain sufficient area in the right-of-way for pedestrian use.
4. The contemplated improvements will be constructed consistent with the development plans approved by the Jersey City Zoning Officer and Building Department.
5. All costs and maintenance associated with these improvements will be incurred by the Petitioner.
6. The contemplated improvements will greatly benefit the Liberty Harbor Redevelopment Plan and the Petitioner's Property, and the surrounding area and neighborhood.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic. 1 Edward Hart Road, LLC, and its successors and/or assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said 1 Edward Hart Road, LLC.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, 1 Edward Hart Road, LLC, its successors and/or assigns, hereby agrees to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. 1 Edward Hart, LLC, its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$2,000,000.00 or in such amount and type as the City of Jersey City's Risk Manager may deem reasonable shall be delivered to the Risk Manager before use or occupancy of the Property subject to this Franchise Ordinance. Insurance limits shall be reviewed annually by the City of Jersey City's Risk Manager to determine if they need to be increased.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the Cable Television Act, P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of _____ next succeeding the time when this Ordinance shall become effective and on each first day of _____ thereafter until the termination of this Ordinance.

SECTION X. A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.

C. This Ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

PETITION

TO: THE HONORABLE, THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:

Your Petitioner, 1 Edward Hart Road, LLC ("Petitioner"), having an office at One Edward Hart Road, Jersey City, New Jersey 07302, respectfully says that:

1. Petitioner is the owner of the property located at One Edward Hart Road, Jersey City, New Jersey and known as Block 24304, Lot 6, on the current tax maps of the City of Jersey City (the "Property"). The property is located within the Liberty Harbor Redevelopment Plan. Petitioner was granted Preliminary and Final Major Site Plan Approval by the Jersey City Planning Board to convert the existing building into public recreation uses that includes a restaurant/bar with an associated "brew pub" with recreational and instructional bowling and other activities, with regard to the Property

2. Petitioner proposes to obtain permission from the City to use the right-of-way along Morris Pesin Drive and Edward J. Hart Road for the following purposes:

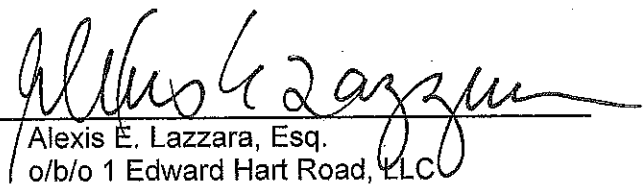
- A. The construction of an outdoor public area, repair, replacement and/or protection of the outdoor patio, grass area, seating area, lighting and other ancillary outdoor uses.
- B. The construction of a functioning silo that will hold grain to be used in production of the ale.
- C. Construction and maintenance of an entryway that is necessary to transition the public from the outdoor area to the building at the Property.
- D. All costs associated with these improvements will be incurred by the Petitioner.

3. The contemplated improvements would enhance the Liberty Harbor Redevelopment Plan, and the petitioner's property, and will greatly benefit the Petitioner's property, and the surrounding area and neighborhood.

4. The Petitioner presented the proposed improvements to the Jersey City Zoning Officer and Building Department, which can approve proposed improvements conditions upon the Petitioner being granted a franchise ordinance by the City of Jersey City.

5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals, and will greatly benefit the Liberty Harbor Redevelopment Plan and Petitioner's property and the surrounding area and neighborhood.

WHEREFORE, your Petitioner respectfully petitions for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within the public right-of-way of One Edward Hart Road adjacent to One Edward Hart Road, all as more particularly shown on the plans annexed hereto and made a part hereof.

By: 
Alexis E. Lazzara, Esq.
o/b/o 1 Edward Hart Road, LLC
Attorney for the Petitioner

AN ORDINANCE GRANTING PERMISSION TO ONE EDWARD HART ROAD, LLC, ITS SUCCESSORS AND/OR ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY OF ONE EDWARD HART ROAD, JERSEY CITY, NEW JERSEY ALSO KNOWN ON THE TAX MAP OF THE CITY OF JERSEY CITY AS BLOCK 24304, LOT 6.

WHEREAS, 1 EDWARD HART DRIVE, LLC, having offices located One Edward Hart Road, Jersey City, New Jersey 07302, is the owner of the property located at One Edward Hart Road, and known as Block 24304, Lot 6 on the current tax map of the City of Jersey City ("Property"); and

WHEREAS, 1 Edward Hart Road, LLC is referred to as the Petitioner; and

WHEREAS, the development of the Property is currently under construction; and

WHEREAS, pursuant to a jersey City Planning Board Resolution for Preliminary and Final Major Site Plan Approval Petitioner was granted approval to convert the existing building into public recreation uses that includes a restaurant/bar with an associated "brew pub" with recreational and instructional bowling and other activities, with regard to the Property

WHEREAS, part of the development approval granted includes the right to add a public area totaling approximately 10,422.9 square feet, which shall consist of Block 24304, Lot 6 along Morris Pesin Drive and Edward J. Hart Road (a/k/a Edward Hart Drive) in the public right of way fronting the building at Morris Pesin Drive, (see Franchise Area Plans prepared by Calisto J. Bertin, P.E., Miloslav Rehak, P.L.S. and Jeffrey M. Zielinski, P.E., of Bertin Engineering, 66 Glen Avenue, Glen Rock, New Jersey 07452 and attached hereto as **Exhibit "A"** and **Exhibit "B"**); and

WHEREAS, the franchise area is more particularly described in the Franchise Description prepared by Miloslav Rehak, NJ Professional Land Surveyor, No. 43233 of Bertin Engineering, 66 Glen Avenue, Glen Rock, New Jersey 07452 and attached hereto as **Exhibit "C"**.

WHEREAS, as part of their approvals the Applicant will be constructing an outdoor public area, repairing and/or replacing an outdoor patio, grass area, seating area, installing lighting and any other ancillary outdoor uses in the Franchise Area; and

WHEREAS, the Applicant will also be constructing a functioning silo in the Franchise Area that will hold grain to be used in production of the ale; and

WHEREAS, the Applicant will also be constructing and maintaining an entryway in the Franchise Area that is necessary to transition the public from the outdoor area to the building at the Property.

WHEREAS, the Petitioner, shall be constructing any and all improvements necessary for **WHAT ARE YOU DOING** in the public right of way, fronting the building at One Edward Hart Road; and

WHEREAS, the construction of the Franchise Area in the public right of way will not interfere with pedestrian traffic but will enable pedestrian traffic upon the right-of-way; and

WHEREAS, the proposed construction in the public right of way, will enhance the Liberty Harbor Redevelopment Plan and property and the surrounding area and neighborhood; and

WHEREAS, the construction of private improvements to the Property will aesthetically enhance the Property; and

WHEREAS, the Petitioner has provided a proposed Franchise Area Plan and rendering of the proposed improvements (see **Exhibit "A"** and **Exhibit "B"**) and a metes and bounds description of the area (see **Exhibit "C"**); and

WHEREAS, the Petitioner is required to file the Petition for a Franchise Ordinance to place these improvements; and

WHEREAS, there will remain sufficient area in the rights-of-way for pedestrian use, and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, Petitioner has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests and essential for the completion of the construction of the development; and

WHEREAS, Petitioner has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests of the development and the general welfare; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Petitioner to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The contemplated improvements will include the following along Morris Pesin Drive and Edward J. Hart Road (a/k/a Edward Hart Drive):
 - A. The construction of an outdoor public area, repair, construction, replacement and/or protection of the outdoor patio, grass area, seating area, lighting and other ancillary outdoor uses.
 - B. The construction of a functioning silo that will hold grain to be used in production of the ale.
 - C. Construction and maintenance of an entryway that is necessary to transition the ; and
2. All costs and maintenance associated with these improvements will be incurred by the Petitioner, and there being no objections thereto; and

WHEREAS, the Jersey City Zoning Officer and Building Department can approve the construction of these improvements at the Properties conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within this Property is situated, the said improvements will enhance public purposes, and the aesthetic and character of the property and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

SECTION I. Permission be, and is hereby granted to Petitioner 1 Edward Hart Road, LLC, its successors and/or assigns, to construct and maintain private improvements to a portion of lands located within the Morris Pesin Drive and Edward J. Hart Road (a/k/a Edward Hart Drive) public right-of-way, Jersey City, New Jersey and known as Block 24304, Lot 6, on the current tax map of the City of Jersey City, said areas being more particularly described on the Franchise Area Plan and the metes and bounds descriptions attached hereto as **Exhibit "A", Exhibit "B" and Exhibit "C"**.

1. The contemplated improvements will include the (a) construction of an outdoor public area, repair, replacement and/or protection of the outdoor patio, grass area, seating area, lighting and other ancillary outdoor uses, (b) the construction of a functioning silo that will hold grain to be used in production of the ale, and (c) construction and maintenance of an entryway that is necessary to transition the public from the outdoor area to the building at the Property.
2. The contemplated improvements will be consistent in design as shown in **Exhibit "B"**.
3. There will remain sufficient area in the right-of-way for pedestrian use.
4. The contemplated improvements will be constructed consistent with the development plans approved by the Jersey City Zoning Officer and Building

Department.

5. All costs and maintenance associated with these improvements will be incurred by the Petitioner.
6. The contemplated improvements will greatly benefit the Liberty Harbor Redevelopment Plan and the Petitioner's Property, and the surrounding area and neighborhood.

SECTION II.

All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic. 1 Edward Hart Road, LLC, and its successors and/or assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

SECTION III.

This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

SECTION IV.

All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said 1 Edward Hart Road, LLC.

SECTION V.

In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, 1 Edward Hart Road, LLC, its successors and/or assigns, hereby agrees to assume full, complete and undivided responsibility for any and all

injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. 1 Edward Hart, LLC, its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$2,000,000.00 or in such amount and type as the City of Jersey City's Risk Manager may deem reasonable shall be delivered to the Risk Manager before use or occupancy of the Property subject to this Franchise Ordinance. Insurance limits shall be reviewed annually by the City of Jersey City's Risk Manager to determine if they need to be increased.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the Cable Television Act, P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in

order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of _____ next succeeding the time when this Ordinance shall become effective and on each first day of _____ thereafter until the termination of this Ordinance.

SECTION X. A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.

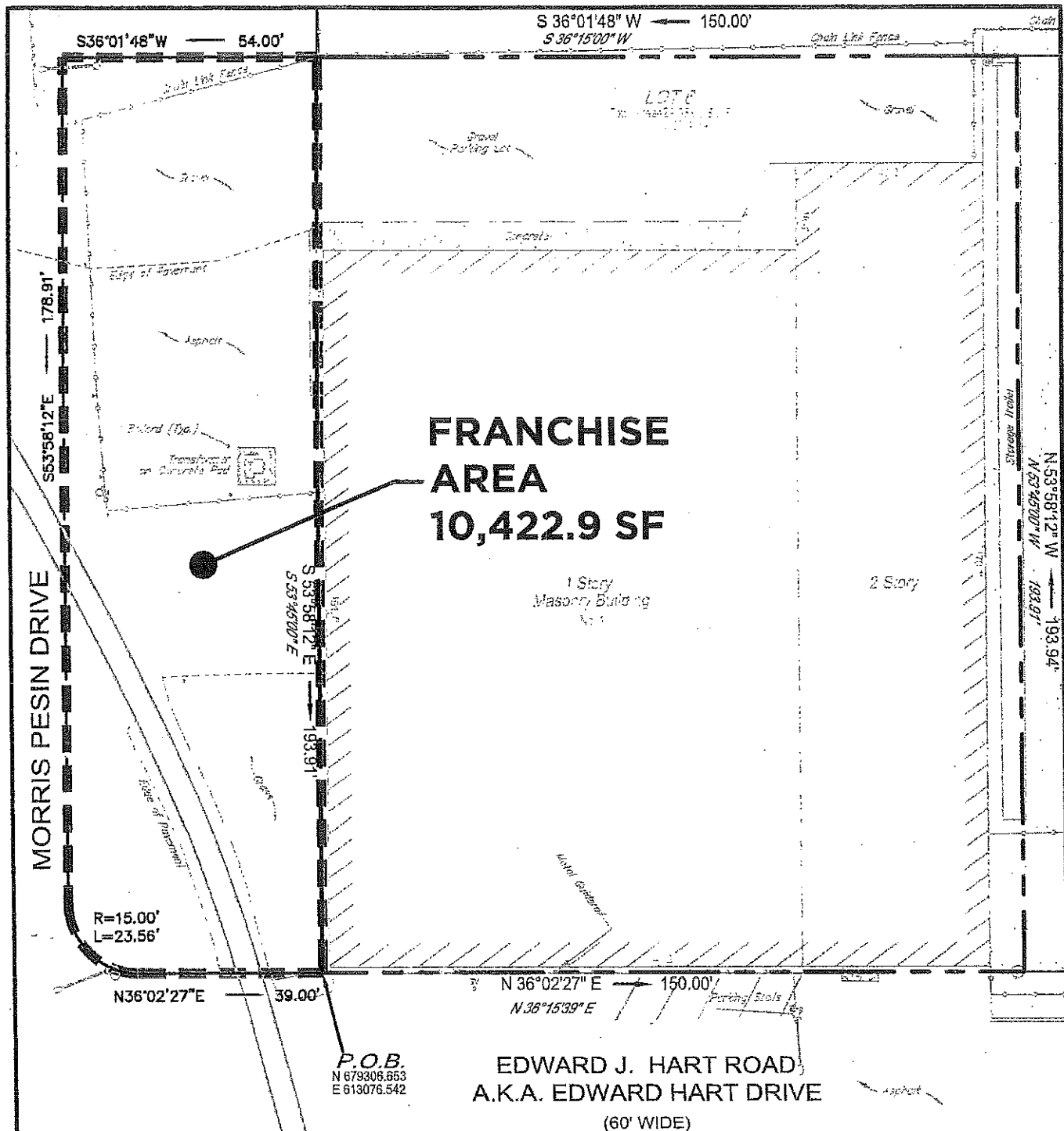
C. This Ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

Dated: _____, 2015

Introduced: _____

Adopted: _____



CERTIFICATE OF AUTHORIZATION GA 28068900 21MH00002800 MILOSLAV REHAK, P.L.S. PROFESSIONAL LAND SURVEYOR N.J. LIC. NO.: 43233	DRAWN BY V.L.	PROJECT C.J.B.
	CALISTO J. BERTIN, P.E. PROFESSIONAL ENGINEER GT. LIC. NO.: 12950 MA. LIC. NO.: 40595 N.H. LIC. NO.: 9368 N.J. LIC. NO.: 28845 N.Y. LIC. NO.: 60022 R.I. LIC. NO.: 6694	

FRANCHISE AREA & EXISTING CONDITION SURVEY

BOWLING ALLEY & MICRO BREWERY
 BLOCK 24304, LOT 6
 1 EDWARD J. HART ROAD
 CITY OF JERSEY CITY, COUNTY OF HUDSON, NEW JERSEY

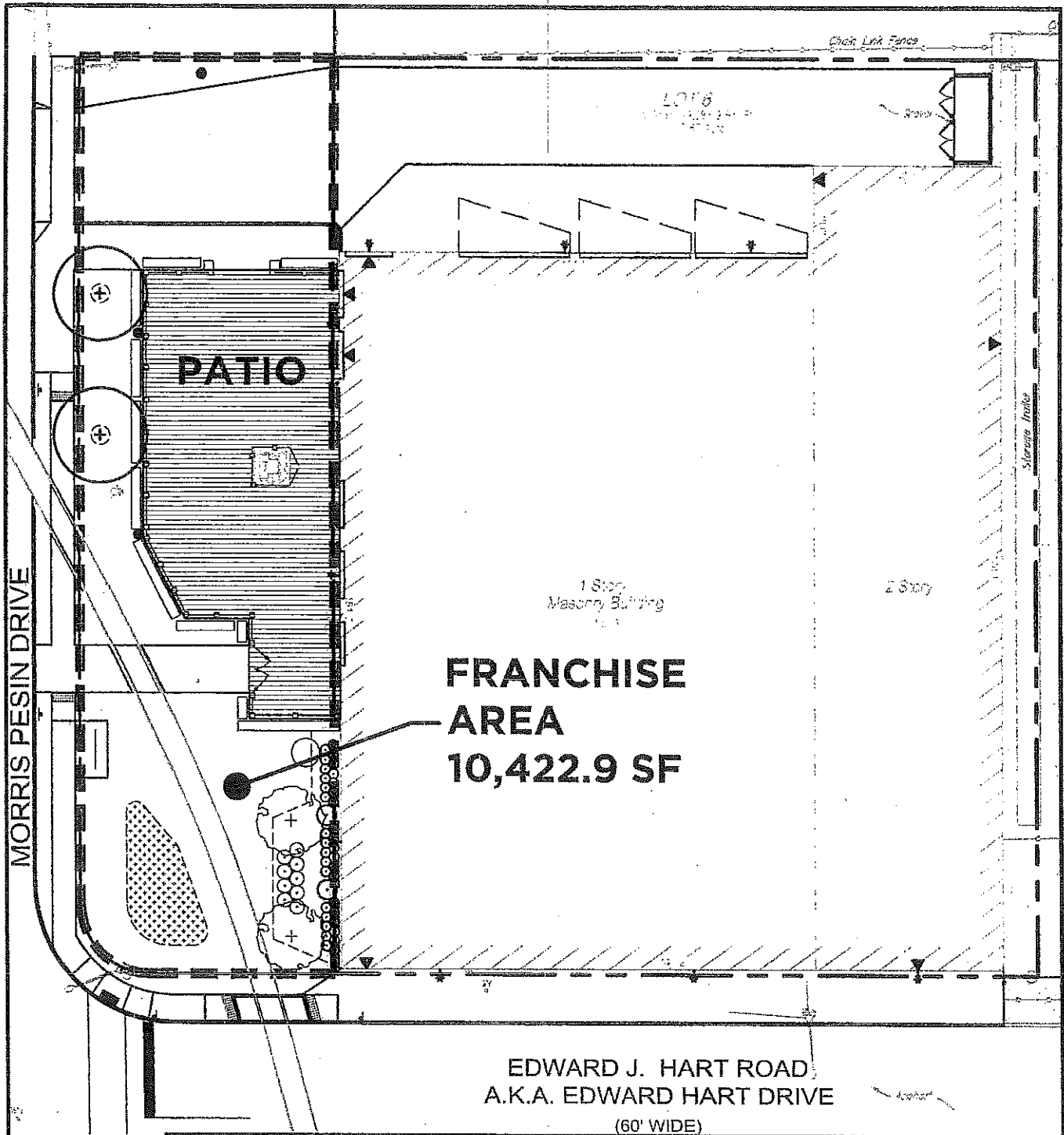


66 GLEN AVENUE
 GLEN ROCK, NJ 07452
 P 201.670.6688
 F 201.670.9788
 www.bertinengineering.com

DATE: 9-14-15	SCALE: 1"=30'	REVISION NO.: 0	PROJECT NO.: 14-111A	DWG. NO.: FA-1
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GRAPHIC SCALE





CERTIFICATE OF AUTHORIZATION GA 28068900 21MH00002800		DRAWN BY V.L.	PROJ. MGR C.J.B.
JEFFREY M. ZIELINSKI, P.E. PROFESSIONAL ENGINEER MD. LIC. NO.: 29935 N.J. LIC. NO.: GE51577 N.Y. LIC. NO.: 090563		CALISTO J. BERTIN, P.E. PROFESSIONAL ENGINEER CT. LIC. NO.: 12950 MA. LIC. NO.: 40595 N.H. LIC. NO.: 9368 N.J. LIC. NO.: 28845 N.Y. LIC. NO.: 60022 R.I. LIC. NO.: 6694	

SITE IMPROVEMENTS

BOWLING ALLEY & MICRO BREWERY

BLOCK 24304, LOT 6
 1 EDWARD J. HART ROAD
 CITY OF JERSEY CITY, COUNTY OF HUDSON, NEW JERSEY



66 GLEN AVENUE
 GLEN ROCK, NJ 07452
 P 201.670.6688
 F 201.670.9768
www.bertinengineering.com

DATE 9-14-15	SCALE 1"=30'	REVISION NO. 0	PROJECT NO. 14-111A	DWG. NO. SI-1
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**BERTIN
ENGINEERING**

66 GLEN AVENUE
GLEN ROCK, NJ 07452
P 201.670.6688
F 201.670.9788
www.bertinengineering.com

August 28, 2015
BEA#14-111C

FRANCHISE DESCRIPTION

**LOT 6, BLOCK 24304 / MORRIS PESIN DRIVE
CITY OF JERSEY CITY
COUNTY OF HUDSON
STATE OF NEW JERSEY**

BEGINNING at the southerly corner of Lot 6 in Block 24304, said point being the corner formed by the northwesterly line of Edward J. Hart being 60 feet wide with the northeasterly line of Morris Pesin Drive, said beginning point having established New Jersey State Plane Coordinates of the North American Datum of 1983, (US Feet) Northing 679306.653, Easting 613076.542 and running thence;

1. Along the northeasterly line of Morris Pesin Drive to a point on the southwesterly corner of Lot 6, North 53°58'12" West a distance of 193.91 feet, thence the following four courses along the franchise area.
2. South 36°01'48" West a distance of 54.00 feet, thence
3. South 53°58'12" East a distance of 178.91 to a point of curvature, thence
4. Along a curve to the left having a radius of 15.00 feet, an arc length of 23.56, a delta angle of 90°00'00", a chord bearing of North 81°01'48" East and a chord distance of 21.21 feet to a point on the new northwesterly line of Edward J. Hart Road
5. North 36°02'27" East a distance of 39.00 feet to the point and place of **BEGINNING**.

Area Contains: 10,422.9 Sq. Ft./0.2393 Acres

In accordance with a certain plan entitled "Site Plan, Bowling Alley & Micro Brewery" prepared by Bertin Engineering, Inc. and dated May 27, 2015, last revised August 20, 2015

Miloslav Rehak
NJ Professional Land Surveyor
No. 43233

SOUTHBRIDGE, MA

CIVIL • SURVEYING • TRAFFIC • STRUCTURAL • ENVIRONMENTAL • MECHANICAL • LANDSCAPE

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.179
TITLE: 3.G DEC 16 2015 4.D JAN 13 2016

A Franchise ordinance granting permission to One Edward Hart Road, LLC its successors and/or assigns, to make private improvements in the public right-of-way of One Edward Hart Road, Jersey City, New Jersey also known on the tax map of the City of Jersey City as Block 243004, Lot 6.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABS	ENT	
RAMCHAL	✓			OSBORNE	ABS	ENT		WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H. 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 6-2-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN			✓
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on _____

DEC 16 2015

Adopted on second and final reading after hearing on _____

JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 13 2016

Robert Byrne, City Clerk
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

JAN 13 2016

APPROVED:

Steven M. Fulop, Mayor

Date

JAN 15 2016

Date to Mayor

JAN 14 2016

City Clerk File No. Ord. 15.180

Agenda No. 3.H 1st Reading

Agenda No. 4.E 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.180

TITLE:

**AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO
ENTER INTO A LEASE WITH DWIGHT STREET BLOCK ASSOCIATION
FOR THE USE OF BLOCK 24101, LOT 2, MORE COMMONLY KNOWN
AS 75 BAYVIEW AVENUE, FOR A COMMUNITY GARDEN**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City ("the City") is a Municipal Corporation of the State of New Jersey, with offices located at City Hall, 280 Grove Street in Jersey City; and

WHEREAS, the City is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the use of vacant lots and open spaces for gardening or recreation purposes pursuant to N.J.S.A. 40 A:12-14(c) and N.J.S.A. 40 A:12-15(j); and

WHEREAS, the City adopted Ordinance 96-123, subsequently amended by Ordinances 01-109 and 11-019, which authorized the establishment of an "Adopt-a-Lot" Program; and

WHEREAS, the City owns Block 24101, Lot 2 on the official tax map of the City and which is more commonly known as 75 Bayview Avenue; and

WHEREAS, Block 24101, Lot 2 is a lot suitable for gardening and such use will transform this vacant lot which are currently filled with weeds and debris as well as improve and enhance the area; and

WHEREAS, the Dwight Street Block Association, is a non-profit corporation with offices located at 184 Dwight Street in Jersey City and which seeks to lease Block 24101, Lot 2 pursuant to the City's "Adopt A Lot Program" in order to create a community garden thereon; and

WHEREAS, the Dwight Street Block Association ("the Lessee") understand that the properties leased to non-profit corporations or associations participating in the City's "Adopt-a-Lot" program are to be used for gardening and for no other purpose whatsoever and may not be used for any commercial, business trade, manufacture, wholesale, retail or any other profit-making enterprises; and

WHEREAS, the Lessee also understands that it must submit an annual report to the Business Administrator, setting out the use to which the leasehold was put during each year; the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law; and

WHEREAS, the lease term will be for one (1) year beginning as of January 6, 2016 and ending January 5, 2017 subject to the City's right to terminate the lease at its convenience without cause by providing ninety (90) days prior notice; and

WHEREAS, the consideration for the lease shall be one dollar (\$1.00); and

**AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO
ENTER INTO A LEASE WITH DWIGHT STREET BLOCK ASSOCIATION
FOR THE USE OF BLOCK 24101, LOT 2, MORE COMMONLY KNOWN
AS 75 BAYVIEW AVENUE, FOR A COMMUNITY GARDEN**

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The Business Administrator is hereby authorized to execute a lease of Block 24101, Lot 2 on the official tax map of the City and more commonly known as 75 Bayview Avenue, with the Dwight Street Block Association, for the purpose of creating a community garden thereon through the City's "Adopt A Lot Program".
 2. The term of the Lease Agreement shall be one (1) year commencing as of January 6, 2016 and ending January 5, 2017 and shall be for consideration of one dollar (\$1.00).
 3. The form of the Lease is attached hereto and shall be subject to any such modification as may be deemed necessary or appropriate by the Corporation Counsel or Business Administrator.
- A. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This Ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER A LEASE WITH THE DWIGHT STREET BLOCK ASSOCIATION FOR THE USE OF BLOCK 24101 LOT 2, MORE COMMONLY KNOWN AS 75 BAYVIEW AVENUE, FOR A COMMUNITY GARDEN.

Initiator

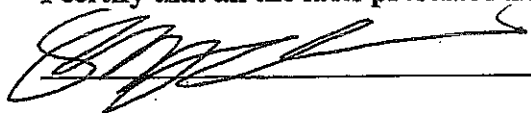
Department/Division	Health & Human Services	Director's Office
Name/Title	Stacey L. Flanagan	Director
Phone/email	Tel.: (201) 547-6800	sflanagan@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This ordinance authorizes that City of Jersey City to enter into a lease with the Dwight Street Block Association. The Dwight Street Block Associations ("the Lessee") understands that the properties leased to non-profit corporation or associations participating in the City's "Adopt-a-Lot" program are to be used for gardening and for no other purpose whatsoever; and in particular may not be used for any commercial, business trade, manufacture, wholesale, retail or any other profit-making enterprises.

I certify that all the facts presented herein are accurate.



Signature of Department Director

12/2/15

Date

ADOPT-A-LOT LEASE

This Lease is issued by the City of Jersey City "City"/Department of Public Works "DPW" to _____ ("Lessee") for the operation of an Adopt-A-Lot Garden located at _____ (address) on _____ and Lot(s) _____ ("the Garden"). This Lease shall be administered by the Department of Health and Human Services through the Adopt-A-Lot Program Officer ("Officer"), which is currently located at 199 Summit, Unit F Jersey City, NJ 07306.

1. Term

This Lease is issued to Lessee for a term (the "Term") of one year beginning _____ and ending _____ unless earlier terminated. The Lease may be renewed by the Director of the Department of Public Works ("Director") at his discretion if Lessee successfully completes the obligations set forth in this Lessee.

2. Notices and Contact Person

All correspondence, including notices of non-compliance, shall be sent to the person designated by Lessee as its "Contact Person."

Current Contact Person for Lessee: _____

Address: _____

Telephone numbers:

Day: _____

Evening: _____

Weekend: _____.

Lessee shall promptly notify DPW and the Division of Planning of any change in contact person or of the address or telephone number(s) provided above. Notice to the listed Contact Person shall be deemed notice to the Lessee.

3. Obligations of Lessee/Use of Premises

- A. This Lease is specifically entered into for the purpose of Lessee's designing and installing a plant garden and thereafter maintaining such garden and all plants and structures contained therein (including, but not limited to, all fences, raised plant beds, planters, tables, benches, and other ornamental items) in a safe and orderly condition.
- B. Before taking possession of the leased premises, Lessee shall do the following:
 - a. Lessee shall notify the Director and then the Contact Person and the Officer shall inspect the premises together for the purpose of locating and, if feasible, removing any dangerous debris, undergrowth, garbage, or other dangerous materials. If the Director determines that a dangerous condition exists on the

premises that cannot be remedied at a cost deemed reasonable by the Director, then the City shall have the right to terminate the Lease immediately.

- C. Within two months of the issuance of this Lease, or sooner if applicable, Lessee agrees to the following:
 - a. At least two representatives, one being the Contact Person, shall attend an educational workshop, and shall submit proof of such attendance to Department of Health and Human Services.
 - b. Lessee shall post a sign approved and provided by DPW at the Garden explaining that the Garden is a part of the Adopt-A-Lot Program and the Department of Public Works.
 - c. Lessee shall register the Garden with the City's Adopt-A-Lot Jersey City online Green Map.
- D. Within six months of the issuance of this license, or sooner if applicable, Lessee agrees to the following:
 - a. Lessee shall design and install a plant garden.
 - b. Lessee shall nurture and develop the plants in the Garden, including watering, fertilizing, pruning, weeding, and harvesting as required. Any spray or liquid fertilizers or herbicides must be approved by DPW, and notice given to DPW prior to application. DPW reserves the right to determine and prohibit an environmentally harmful fertilizer or herbicide.
 - c. Gardens are required to post signage listing open hours, a schedule of planned activities, and information on how to join the garden, along with the name and telephone number of the Lessee's contact person and/or the Officer.
 - d. Lessee shall open the Garden to the public, as required by Section 8.
 - e. Lessee shall make gardening plots available to the public on a first come first serve basis, through the use of a waiting list to be posted at the Garden.
- E. Upon execution of the Lease, the Lessee agrees to the following:
 - a. Lessee shall maintain the Garden in a safe condition and take care of all plants and structures contained therein, including all fences, raised beds, tables, benches, and ornamental items.
 - b. Lessee shall keep sidewalks, passageways, and curbs adjacent to and within the Garden clean and free from snow, ice, garbage, debris, and other obstructions.
 - c. Lessee shall comply with all applicable laws, rules, and regulations of the United States, New Jersey State, and the City of Jersey City, and with other such rules, regulations, orders, terms and conditions as may be set or required by DPW to the extent that they relate to the gardening activities under this Lease or are otherwise applicable to the Lease.
 - d. Lessee shall arrange for the provision of, and pay for any utilities, with the exception of water, necessary for the performance of the activities described herein; provided however that Lessee shall neither cause nor permit the installation of any such utilities without the prior written approval of DPW.
 - e. Provide two reports each year, one in June and one in December, containing the current status of the Garden including, but not limited to, a current color photo, a

list of current Garden members, and any current concerns or problems that the Lessee believes DPW should be made aware of or a problem fulfilling any of the requirements specified in this lease.

- f. Lessee shall continually update City's Adopt-A-Lot Jersey City online Green Map with all events, fundraisers, and public hours.
- g. Lessee shall participate in an annual "Green Your Block" program. Lessee shall notify the Department of Health and Human Services with the date and time of the event, as well as post notice of the event at the Garden and on the City's Adopt-A-Lot Jersey City online Green Map.
- h. Lessee shall notify DPW of any administrative or operational matters constituting any loss, injury, damage or violation within the garden within three days of such occurrence by contacting the DPW and the Officer.

6. Restrictions on Lessee

Lessee agrees to the following restriction on the use of the Garden:

- A. No permanent improvements on the Garden. This prohibition includes but is not limited to paving the Garden concrete, asphalt or other materials.
- B. The Lessee shall make no alterations, additions, or improvements to the Garden without the prior written consent of the DPW.
- C. No permanent structures or murals or other permanent works of art may be built in the Garden without permission from DPW, and, where applicable, the Jersey City Building Department and the Jersey City Division of Cultural Affairs.
- D. No automobiles, trucks, or other motorized vehicles may be stored or parked at any time in the Garden.
- E. There shall be a minimum of 5 Garden members at all times.
- F. No persons shall be allowed to reside in the Garden.
- G. No animals shall reside in the Garden. Dogs may never reside in the Garden.
- H. No drugs or alcohol may be used, consumed, stored, sold, or distributed in the Garden.
- I. Garden shall not be used for any commercial purpose (including, but not limited to, the sale or advertisement of any goods or services): provided, however, that the City may allow, with prior notice to the Officer, Fundraising events at the Garden solely for the purposes of supporting the operation of the Garden. All agricultural produce cultivated at the Garden may be sold offsite at a designated Jersey City Farmer's Market.
- J. Lessee shall not create nor suffer to be created any nuisance or danger to public safety in or around the Garden. Lessee shall not cause nor permit the accumulation of garbage or debris in the Garden. Lessee shall not commit or cause any waste of or to the Garden.

- K. Lessee shall not sub-let the demised premises for gardening or recreational purposes pursuant to NJSA 40A12-15(l). Lessee shall not use or permit the premises to be used for any other purpose without the prior written consent of the City endorsed hereon.
- L. Lessee may not discriminate in any way against any person on grounds of race, creed, religion, color, sex, age, national origin, disability, marital status, or sexual orientation.
- M. Lessee may not cause or permit gambling or any activities related to gambling in the Garden, or the use of the Garden for any illegal purpose.
- N. If Lessee ceases to use the property for gardening or recreational purposes, the City shall have the right to terminate the lease upon giving 10 days written notice to Lessee prior to the effective date of termination.
- O. Lessee shall not use or permit the storage of any illuminating oils, oil lamps, turpentine, benzene, naptha, or similar substances or explosives of any kind or any substances or items prohibited in the standard policies of insurance companies in the State of New Jersey.
- P. Lessee shall not abandon the Garden.

7. Failure to Comply with Restriction and Termination

If Lessee violates any covenant or conditions of this lease or of the rules established by the City, and upon failure to discontinue such violation within ten days after notice to the Lessee, this lease shall, at the option of the City, become void. Notwithstanding the above, the DPW and/or City may terminate this Lease without advance notice for any of the following reasons: 1) Use of the Garden for any illegal purpose, including, but not limited to use of drugs, alcohol, gambling, or other illegal activity, or conspiracy to commit same; 2) Creation of danger to the neighborhood, whether through inadequate sanitation, including accumulation of garbage, existence of a fire hazard, or any other condition which may cause harm to the Garden or other persons or property in its vicinity; 3) the City ceases to be the fee owner of the Garden.

The City shall have the right to terminate the lease at its convenience without cause by giving written notice 60 days prior to the effective date of termination. The City shall have no liability of any nature whatsoever by reason of such termination.

8. Access

- A. Gardens are required to keep their gates open for a minimum of 20 hours per week from the first day of May through and including the thirtieth day of November. This can be achieved through posted open hours, community events, workdays, workshops, and all activities that keep gardens open and accessible to the public. Gardens are required to post signage listing open hours, a schedule of planned activities, information on how to join the garden, along with the name and telephone number of the Lessee's contact person and/or the Officer. DPW and the Officer may conduct spot checks to see that the required public access is maintained, and if the Garden is not open at the designated time, may terminate this Lease.
- B. The City, its representatives, the DPW, the City Police and Fire Departments, and other City agency representatives shall have access to the Site at all times for any purpose.

9. Return of City Property and Surrender of the Garden

Lessee shall surrender the premises at the end of the term in as good condition as reasonable use will permit. In the event that the lease is terminated or expires, the Lessee shall remove all temporary improvements installed on the property by the Lessee at its own cost or expense. Lessee shall also return all tools and other unused items provided by DPW to DPW within thirty days of receipt of a notice of termination. DPW retains the right to keep for its own use any items left in the Garden after this Lease expires or is terminated.

If the Lessee shall remain in the premises after the expiration of the term of this lease without having executed a new written lease with the City, such holding over shall not constitute a renewal or extension of this lease. The City may treat the Lessee as one who has not removed at the end of his term, and thereupon be entitled to all remedies against the Lessee provided by law in that situation, or the City may elect, at its option, to construe such holding over as a tenancy from month to month, subject to all the terms and conditions of this lease, except as to duration thereof.

10. Indemnification

The City shall indemnify and hold the Lessee and its officers, agents and employees harmless from any and all claims or personal injury, and property damage arising out of the Lessee occupancy and use of the leased premises. The City shall defend any suit against the Lessee, and its officers, agents and employees from any claims for damage and accident resulting in such bodily injury or property damage, even if the claims are groundless, false, or fraudulent.

11. Risk Upon Lessee

The expenditures for gardening activities to be undertaken at Garden are to be made solely and exclusively at the risk and sole cost and expense of Lessee, and no part thereof is, or shall be, reimbursable by the City for any reason whatsoever. The gardening activities to be

performed pursuant to this Lease were not and are not directed by DPW and the City, and the City and the DPW assume no obligation or responsibility nor shall have any liability, for any expenditure made hereunder.

12. Modification

This Lease shall not be modified or extended except in writing and when signed by both the City and Lessee. This instrument shall not be changed orally.

13. Conflict of Interest

Lessee warrants that no officer, agent, employee, or representative of the City of Jersey City has received any payment or other consideration for the making of this Lease and that no officer, agent, employee, or representative of the City has any personal financial interest, directly or indirectly, in this Lease.

14. No Assignment

Lessee shall not sell, assign, mortgage or otherwise transfer, or sublicense any interest or right provided for herein, nor shall this Lessee be transferred by operation of law, it being the purpose and spirit of this agreement to grant this Lessee a privilege solely to the Lessee named herein.

15. Employees

All experts, consultants, volunteers or employees of Lessee who are employed by or volunteer their services to Lessee to perform work under this Lease are neither employees of the City nor under contract to the City and Lessee alone is responsible for their work, direction, compensation and personal conduct while engaged under this Lease. Nothing in this Lease shall impose any liability or duty to the City for acts, omissions, liabilities or obligations of Lessee or any person, firm, company, agency, association, corporation or organization engaged by Lessee as expert, consultant, independent contractor, specialist, trainee, employee, servant, or agent of for taxes of any nature including but not limited to unemployment insurance, workers' compensation, disability benefits and social security.

16. No Claim Against Officers, Agents, or Employees

No claim whatsoever shall be made by Lessee against any officer, agent or employee of the City for, or on account of, anything done or omitted in connection with this agreement.

17. Representation

This lease contains the entire contract between the parties. No representative, agent, or employee of the City has been authorized to make any representations or promises with reference to the within letting or to vary, alter or modify the terms hereof. No additions, changes or modifications, renewals or extensions hereof shall be binding unless reduced to writing and signed by the Landlord and Tenant.

18. Severability

If any provision(s) of this Lease is held unenforceable for any reason, each and all other provision(s) shall nevertheless remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have cause this to be signed and sealed.

DPW Director

Contact Person

Lessee (Garden or Group Name)

Officer

Department of Health and Human Services Director

Approved as to Form

City Clerk

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.180
TITLE: 3.H DEC 16 2015 4.B JAN 13 2016

An ordinance authorizing the City of Jersey City to enter into a lease with Dwight Street Block Association for the use of Block 24101, Lot 2, more commonly known as 75 Bayview Avenue, for a Community Garden.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H. 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 16 2015
Adopted on second and final reading after hearing on JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 13 2016

Robert Byrne, City Clerk
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President
Date JAN 13 2016

APPROVED:

Steven M. Fulop, Mayor
Date JAN 15 2016

Date to Mayor JAN 14 2016

City Clerk File No. Ord. 15.181

Agenda No. 3 - I 1st Reading

Agenda No. 4. F 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.181

TITLE:

AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A LEASE WITH JERSEY CITY COMMUNITY GARDENING INC. FOR THE USE OF BLOCK 389, LOTS 19 AND 20, MORE COMMONLY KNOWN AS 174-176 BRUNSWICK STREET, FOR A COMMUNITY GARDEN

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City ("the City") is a Municipal Corporation of the State of New Jersey, with offices located at City Hall, 280 Grove Street in Jersey City; and

WHEREAS, the City is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the use of vacant lots and open spaces for gardening or recreation purposes pursuant to N.J.S.A. 40 A:12-14(c) and N.J.S.A. 40 A:12-15(j); and

WHEREAS, the City adopted Ordinance 96-123, subsequently amended by Ordinances 01-109 and 11-019, which authorized the establishment of an "Adopt A Lot" Program; and

WHEREAS, the City owns Block 389, Lots 19 and 20 on the official tax map of the City and which are more commonly known as 174-176 Brunswick Street; and

WHEREAS, Block 389, Lots 19 and 20 are lots suitable for gardening and such use will transform these vacant lots which are currently filled with weeds and debris, as well as improve and enhance the area; and

WHEREAS, Jersey City Community Gardening Inc. ("the Lessee") is a non-profit corporation with offices located at 234 Ninth Street in Jersey City and which seeks to lease Block 389, Lots 19 and 20 pursuant to the City's "Adopt A Lot Program" in order to create a community garden thereon; and

WHEREAS, the Lessee understands that the properties leased to non-profit corporations or associations participating in the City's "Adopt a Lot" program are to be used for gardening and for no other purpose whatsoever and may not be used for any commercial, business trade, manufacture, wholesale, retail or any other profit-making enterprises; and

WHEREAS, the Lessee also understands that it must submit an annual report to the Business Administrator, setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value or cost, if any, of such activities in furtherance of such purpose and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law; and

WHEREAS, the lease term will be for one (1) year beginning as of January 6, 2016 and ending January 5, 2017 subject to the City's right to terminate the lease at its convenience without cause by providing ninety (90) days prior notice; and

WHEREAS, the consideration for the lease shall be one dollar (\$1.00); and

AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A LEASE WITH JERSEY CITY COMMUNITY GARDENING INC. FOR THE USE OF BLOCK 389, LOTS 19 AND 20, MORE COMMONLY KNOWN AS 174-176 BRUNSWICK STREET, FOR A COMMUNITY GARDEN

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The Business Administrator is hereby authorized to execute a lease of Block 389, Lots 19 and 20 on the official tax map of the City and more commonly known as 174-176 Brunswick Street, with the Jersey City Community Gardening Inc. for the purpose of creating a community garden thereon through the City's "Adopt A Lot Program".
 2. The term of the Lease Agreement shall be one (1) year commencing as of January 6, 2016 and terminating on January 5, 2017 and the consideration shall one dollar (\$1.00).
 3. The form of the Lease is attached hereto and shall be subject to any such modification as may be deemed necessary or appropriate by the Corporation Counsel or Business Administrator.
- A. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This Ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 12/2/15

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER A LEASE WITH JERSEY CITY COMMUNITY GARDENING INC. FOR THE USE OF BLOCK 389 LOT 19 AND 20, MORE COMMONLY KNOWN AS 174-176 BRUNSWICK STREET, FOR A COMMUNITY GARDEN

Initiator

Department/Division	Health & Human Services	Director's Office
Name/Title	Stacey L. Flanagan	Director
Phone/email	Tel.: (201) 547-6800	sflanagan@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This ordinance authorizes that City of Jersey City to enter into a lease with Jersey City Community Gardening Inc. The Jersey City Community Gardening Inc. ("the Lessee") understands that the properties leased to non-profit corporation or associations participating in the City's "Adopt-a-Lot" program are to be used for gardening and for no other purpose whatsoever; and in particular may not be used for any commercial, business trade, manufacture, wholesale, retail or any other profit-making enterprises.

I certify that all the facts presented herein are accurate.


Signature of Department Director

12/3/15
Date

ADOPT-A-LOT LEASE

This Lease is issued by the City of Jersey City "City"/Department of Public Works "DPW" to _____ ("Lessee") for the operation of an Adopt-A-Lot Garden located at _____ (address) on _____ and Lot(s) _____ ("the Garden"). This Lease shall be administered by the Department of Health and Human Services through the Adopt-A-Lot Program Officer ("Officer"), which is currently located at 199 Summit, Unit F Jersey City, NJ 07306.

1. Term

This Lease is issued to Lessee for a term (the "Term") of one year beginning _____ and ending _____ unless earlier terminated. The Lease may be renewed by the Director of the Department of Public Works ("Director") at his discretion if Lessee successfully completes the obligations set forth in this Lessee.

2. Notices and Contact Person

All correspondence, including notices of non-compliance, shall be sent to the person designated by Lessee as its "Contact Person."

Current Contact Person for Lessee: _____

Address: _____

Telephone numbers:

Day: _____

Evening: _____

Weekend: _____.

Lessee shall promptly notify DPW and the Division of Planning of any change in contact person or of the address or telephone number(s) provided above. Notice to the listed Contact Person shall be deemed notice to the Lessee.

3. Obligations of Lessee/Use of Premises

- A. This Lease is specifically entered into for the purpose of Lessee's designing and installing a plant garden and thereafter maintaining such garden and all plants and structures contained therein (including, but not limited to, all fences, raised plant beds, planters, tables, benches, and other ornamental items) in a safe and orderly condition.
- B. Before taking possession of the leased premises, Lessee shall do the following:
 - a. Lessee shall notify the Director and then the Contact Person and the Officer shall inspect the premises together for the purpose of locating and, if feasible, removing any dangerous debris, undergrowth, garbage, or other dangerous materials. If the Director determines that a dangerous condition exists on the

premises that cannot be remedied at a cost deemed reasonable by the Director, then the City shall have the right to terminate the Lease immediately.

- C. Within two months of the issuance of this Lease, or sooner if applicable, Lessee agrees to the following:
 - a. At least two representatives, one being the Contact Person, shall attend an educational workshop, and shall submit proof of such attendance to Department of Health and Human Services.
 - b. Lessee shall post a sign approved and provided by DPW at the Garden explaining that the Garden is a part of the Adopt-A-Lot Program and the Department of Public Works.
 - c. Lessee shall register the Garden with the City's Adopt-A-Lot Jersey City online Green Map.
- D. Within six months of the issuance of this license, or sooner if applicable, Lessee agrees to the following:
 - a. Lessee shall design and install a plant garden.
 - b. Lessee shall nurture and develop the plants in the Garden, including watering, fertilizing, pruning, weeding, and harvesting as required. Any spray or liquid fertilizers or herbicides must be approved by DPW, and notice given to DPW prior to application. DPW reserves the right to determine and prohibit an environmentally harmful fertilizer or herbicide.
 - c. Gardens are required to post signage listing open hours, a schedule of planned activities, and information on how to join the garden, along with the name and telephone number of the Lessee's contact person and/or the Officer.
 - d. Lessee shall open the Garden to the public, as required by Section 8.
 - e. Lessee shall make gardening plots available to the public on a first come first serve basis, through the use of a waiting list to be posted at the Garden.
- E. Upon execution of the Lease, the Lessee agrees to the following:
 - a. Lessee shall maintain the Garden in a safe condition and take care of all plants and structures contained therein, including all fences, raised beds, tables, benches, and ornamental items.
 - b. Lessee shall keep sidewalks, passageways, and curbs adjacent to and within the Garden clean and free from snow, ice, garbage, debris, and other obstructions.
 - c. Lessee shall comply with all applicable laws, rules, and regulations of the United States, New Jersey State, and the City of Jersey City, and with other such rules, regulations, orders, terms and conditions as may be set or required by DPW to the extent that they relate to the gardening activities under this Lease or are otherwise applicable to the Lease.
 - d. Lessee shall arrange for the provision of, and pay for any utilities, with the exception of water, necessary for the performance of the activities described herein; provided however that Lessee shall neither cause nor permit the installation of any such utilities without the prior written approval of DPW.
 - e. Provide two reports each year, one in June and one in December, containing the current status of the Garden including, but not limited to, a current color photo, a

list of current Garden members, and any current concerns or problems that the Lessee believes DPW should be made aware of or a problem fulfilling any of the requirements specified in this lease.

- f. Lessee shall continually update City's Adopt-A-Lot Jersey City online Green Map with all events, fundraisers, and public hours.
- g. Lessee shall participate in an annual "Green Your Block" program. Lessee shall notify the Department of Health and Human Services with the date and time of the event, as well as post notice of the event at the Garden and on the City's Adopt-A-Lot Jersey City online Green Map.
- h. Lessee shall notify DPW of any administrative or operational matters constituting any loss, injury, damage or violation within the garden within three days of such occurrence by contacting the DPW and the Officer.

6. Restrictions on Lessee

Lessee agrees to the following restriction on the use of the Garden:

- A. No permanent improvements on the Garden. This prohibition includes but is not limited to paving the Garden concrete, asphalt or other materials.
- B. The Lessee shall make no alterations, additions, or improvements to the Garden without the prior written consent of the DPW.
- C. No permanent structures or murals or other permanent works of art may be built in the Garden without permission from DPW, and, where applicable, the Jersey City Building Department and the Jersey City Division of Cultural Affairs.
- D. No automobiles, trucks, or other motorized vehicles may be stored or parked at any time in the Garden.
- E. There shall be a minimum of 5 Garden members at all times.
- F. No persons shall be allowed to reside in the Garden.
- G. No animals shall reside in the Garden. Dogs may never reside in the Garden.
- H. No drugs or alcohol may be used, consumed, stored, sold, or distributed in the Garden.
- I. Garden shall not be used for any commercial purpose (including, but not limited to, the sale or advertisement of any goods or services): provided, however, that the City may allow, with prior notice to the Officer, Fundraising events at the Garden solely for the purposes of supporting the operation of the Garden. All agricultural produce cultivated at the Garden may be sold offsite at a designated Jersey City Farmer's Market.
- J. Lessee shall not create nor suffer to be created any nuisance or danger to public safety in or around the Garden. Lessee shall not cause nor permit the accumulation of garbage or debris in the Garden. Lessee shall not commit or cause any waste of or to the Garden.

- K. Lessee shall not sub-let the demised premises for gardening or recreational purposes pursuant to NJSA 40A12-15(I). Lessee shall not use or permit the premises to be used for any other purpose without the prior written consent of the City endorsed hereon.
- L. Lessee may not discriminate in any way against any person on grounds of race, creed, religion, color, sex, age, national origin, disability, marital status, or sexual orientation.
- M. Lessee may not cause or permit gambling or any activities related to gambling in the Garden, or the use of the Garden for any illegal purpose.
- N. If Lessee ceases to use the property for gardening or recreational purposes, the City shall have the right to terminate the lease upon giving 10 days written notice to Lessee prior to the effective date of termination.
- O. Lessee shall not use or permit the storage of any illuminating oils, oil lamps, turpentine, benzene, naptha, or similar substances or explosives of any kind or any substances or items prohibited in the standard policies of insurance companies in the State of New Jersey.
- P. Lessee shall not abandon the Garden.

7. Failure to Comply with Restriction and Termination

If Lessee violates any covenant or conditions of this lease or of the rules established by the City, and upon failure to discontinue such violation within ten days after notice to the Lessee, this lease shall, at the option of the City, become void. Notwithstanding the above, the DPW and/or City may terminate this Lease without advance notice for any of the following reasons:

1) Use of the Garden for any illegal purpose, including, but not limited to use of drugs, alcohol, gambling, or other illegal activity, or conspiracy to commit same; 2) Creation of danger to the neighborhood, whether through inadequate sanitation, including accumulation of garbage, existence of a fire hazard, or any other condition which may cause harm to the Garden or other persons or property in its vicinity; 3) the City ceases to be the fee owner of the Garden.

The City shall have the right to terminate the lease at its convenience without cause by giving written notice 60 days prior to the effective date of termination. The City shall have no liability of any nature whatsoever by reason of such termination.

8. Access

- A. Gardens are required to keep their gates open for a minimum of 20 hours per week from the first day of May through and including the thirtieth day of November. This can be achieved through posted open hours, community events, workdays, workshops, and all activities that keep gardens open and accessible to the public. Gardens are required to post signage listing open hours, a schedule of planned activities, information on how to join the garden, along with the name and telephone number of the Lessee's contact person and/or the Officer. DPW and the Officer may conduct spot checks to see that the required public access is maintained, and if the Garden is not open at the designated time, may terminate this Lease.
- B. The City, its representatives, the DPW, the City Police and Fire Departments, and other City agency representatives shall have access to the Site at all times for any purpose.

9. Return of City Property and Surrender of the Garden

Lessee shall surrender the premises at the end of the term in as good condition as reasonable use will permit. In the event that the lease is terminated or expires, the Lessee shall remove all temporary improvements installed on the property by the Lessee at its own cost or expense. Lessee shall also return all tools and other unused items provided by DPW to DPW within thirty days of receipt of a notice of termination. DPW retains the right to keep for its own use any items left in the Garden after this Lease expires or is terminated.

If the Lessee shall remain in the premises after the expiration of the term of this lease without having executed a new written lease with the City, such holding over shall not constitute a renewal or extension of this lease. The City may treat the Lessee as one who has not removed at the end of his term, and thereupon be entitled to all remedies against the Lessee provided by law in that situation, or the City may elect, at its option, to construe such holding over as a tenancy from month to month, subject to all the terms and conditions of this lease, except as to duration thereof.

10. Indemnification

The City shall indemnify and hold the Lessee and its officers, agents and employees harmless from any and all claims or personal injury, and property damage arising out of the Lessee occupancy and use of the leased premises. The City shall defend any suit against the Lessee, and its officers, agents and employees from any claims for damage and accident resulting in such bodily injury or property damage, even if the claims are groundless, false, or fraudulent.

11. Risk Upon Lessee

The expenditures for gardening activities to be undertaken at Garden are to be made solely and exclusively at the risk and sole cost and expense of Lessee, and no part thereof is, or shall be, reimbursable by the City for any reason whatsoever. The gardening activities to be

performed pursuant to this Lease were not and are not directed by DPW and the City, and the City and the DPW assume no obligation or responsibility nor shall have any liability, for any expenditure made hereunder.

12. Modification

This Lease shall not be modified or extended except in writing and when signed by both the City and Lessee. This instrument shall not be changed orally.

13. Conflict of Interest

Lessee warrants that no officer, agent, employee, or representative of the City of Jersey City has received any payment or other consideration for the making of this Lease and that no officer, agent, employee, or representative of the City has any personal financial interest, directly or indirectly, in this Lease.

14. No Assignment

Lessee shall not sell, assign, mortgage or otherwise transfer, or sublicense any interest or right provided for herein, nor shall this Lessee be transferred by operation of law, it being the purpose and spirit of this agreement to grant this Lessee a privilege solely to the Lessee named herein.

15. Employees

All experts, consultants, volunteers or employees of Lessee who are employed by or volunteer their services to Lessee to perform work under this Lease are neither employees of the City nor under contract to the City and Lessee alone is responsible for their work, direction, compensation and personal conduct while engaged under this Lease. Nothing in this Lease shall impose any liability or duty to the City for acts, omissions, liabilities or obligations of Lessee or any person, firm, company, agency, association, corporation or organization engaged by Lessee as expert, consultant, independent contractor, specialist, trainee, employee, servant, or agent of for taxes of any nature including but not limited to unemployment insurance, workers' compensation, disability benefits and social security.

16. No Claim Against Officers, Agents, or Employees

No claim whatsoever shall be made by Lessee against any officer, agent or employee of the City for, or on account of, anything done or omitted in connection with this agreement.

17. Representation

This lease contains the entire contract between the parties. No representative, agent, or employee of the City has been authorized to make any representations or promises with reference to the within letting or to vary, alter or modify the terms hereof. No additions, changes or modifications, renewals or extensions hereof shall be binding unless reduced to writing and signed by the Landlord and Tenant.

18. Severability

If any provision(s) of this Lease is held unenforceable for any reason, each and all other provision(s) shall nevertheless remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have cause this to be signed and sealed.

DPW Director

Contact Person

Lessee (Garden or Group Name)

Officer

Department of Health and Human Services Director

Approved as to Form

City Clerk

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.181
TITLE: 3.1 DEC 16 2015 4.F JAN 13 2016

An ordinance authorizing the City of Jersey City to enter a lease with Community Gardening Inc., for the use of Block 389, Lot 196 & 20, more commonly known as 174-176 Brunswick Street, for a Community Garden.

RECORD OF COUNCIL VOTE ON INTRODUCTION								DEC 16 2015 7-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABS	ent	
RAMCHAL	✓			OSBORNE	ABS	ent		WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								JAN 13 2016 9-0			
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE								JAN 13 2016 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

DEC 16 2015

Adopted on first reading of the Council of Jersey City, N.J. on

JAN 13 2016

Adopted on second and final reading after hearing on

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 13 2016
Robert Byrne, City Clerk
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JAN 13 2016

APPROVED:

Steven M. Fulop, Mayor

Date JAN 15 2016

Date to Mayor JAN 14 2016

City Clerk File No. Ord. 15.182

Agenda No. 3.J 1st Reading

Agenda No. 4.G 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.182

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE TOD-N ZONE OF THE MORRIS CANAL REDEVELOPMENT PLAN

WHEREAS, the Municipal Council of the City of Jersey City adopted the Morris Canal Redevelopment Plan in March of 1999, and amended the Plan numerous times subsequently, most recently on May 27, 2015; and

WHEREAS, the existing Plan's Transit Oriented Development – North (TOD-N) Zone allows for 8-story buildings on lots at least 10,000 square feet; and

WHEREAS, there is a need citywide for more affordable housing; and

WHEREAS, the TOD-N Zone is located in close proximity to the Light Rail (HBLRT), it would be appropriate permit mixed use multi-family buildings on all affected lots through the mechanism of an affordable housing bonus; and

WHEREAS, the Planning Board, at its meeting of November 10, 2015, determined that the Morris Canal Redevelopment Plan should be amended to revise the TOD-N Zone pertaining to Blocks 17505 and 17504; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Morris Canal Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Morris Canal Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, PP, FAICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

APPROVED:

Corporation Counsel

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE TOD-N ZONE OF THE MORRIS CANAL REDEVELOPMENT PLAN

Initiator

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
	Matt Ward, PP, AICP	Senior Planner
Phone/email	201-547-5010	bobbyc@cnj.org / mward@cnj.org


Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

The proposed amendments revise the TOD-N zone of the Morris Canal Redevelopment Plan. Currently, the existing Plan's Transit Oriented Development – North (TOD-N) Zone allows for 8-story buildings on lots at least 10,000 square feet. There is a need citywide for more affordable housing. The TOD-N Zone is located in close proximity to the Light Rail (HBLRT), it would be appropriate permit mixed use multi-family buildings on all affected lots through the mechanism of an affordable housing bonus. This amendment would allow for smaller, shorter apartment buildings with or without ground floor retail on lots less than 10,000 square feet.

I certify that all the facts presented herein are accurate.


Signature of Division Director


Date


Signature of Department Director


Date

Morris Canal Amendment 26 to be presented to Jersey City Planning Board

Text to be removed is shown in strikethrough like ~~this~~.

Text to be added is shown in bold italics like ***this***.

1. TOD-North: The TOD North District is located north of, and has frontage on Johnston Avenue. There are two portions of this district with frontage on Garabrant Street, Monitor Street, Pine Street and Whiton Street; and adjoins the Rail Transportation Corridor district on the north and east. It is comprised of existing industrial structures as well as parcels that consist of completely vacant land and blocks that are partially vacant and partially underutilized. Therefore the development regulations of this district have been established on a parcel or block basis.

- a. Blocks 17505, & 17504

- i. Permitted Principal Use –

- ~~Multi-family Residential~~
- Retail sales of goods and services and Restaurants (Category One & Two) only along the Johnston Avenue frontage and as part of a mixed use building
- Child care centers
- Public Utilities, except that natural gas transmission lines shall be prohibited
- Mixed use of the above

- ii. Accessory Uses

- Off-street parking, within the principal structure and as surface parking at the rear of the building with appropriate landscaping; including shade trees.
- Resident amenity areas such as gymnasium and exercise rooms, meeting rooms, indoor and outdoor recreation areas, etc.

- iii. ~~***Lot Size and Dimension Requirements*** Minimum Lot Size ~~10,000 square feet.~~
(~~Note: All parcels of less than 10,000 square feet shall be governed by the requirements of the Residential District of the Morris Canal Redevelopment Plan.~~)~~

- 1) ***All existing lots at the time of adoption of this plan are conforming lots but may not be reduced in size. The creation of flag lots shall be prohibited.***

- 2) ***All lots less than 10,000 square feet shall be regulated according to the Residential District of the Morris Canal Redevelopment Plan.***

- iv. Maximum Height ***and Density Requirements***

- ~~The maximum height shall be 8 stories and 85 feet.~~

- ~~Each residential floor shall have a minimum height of nine (9) feet from floor to ceiling.~~

- 1) ***The Maximum height shall be 8 stories and 90 feet for lots greater than 9,999 square feet.***

- 2) ***Minimum floor-to-ceiling height for upper floors shall be at least nine (9) feet.***

- 3) ***Density is not regulated by floor area ratio or units per acre in this zone. Instead, a "building envelope" is defined, depending on the size and shape of the site. Minimum room and unit sizes are regulated by building code.***

- v. ~~Intensity of Development~~—The size and scale of all buildings on these blocks shall be regulated by the bulk standards herein and further provided that the floor area ratio of any building shall not exceed 6.0 on block 17504 and 5.5 on block 17505.
- vi. Required Front Setbacks – ~~Minimum five feet (5).~~ Bay windows on upper level residential floors may partially extend into the front setback area a maximum of 2 feet in order to provide architectural interest and character. ***Minimum zero feet (0).***
- vii. Side Yard Setback- Minimum zero feet (0).
- viii. Rear Yard Setback- Twenty-five Feet (25) for ***Upper or Residential Floors; Five Feet (5) for ground floor commercial without parking;*** and Zero Feet (0) for the parking level(s). The roof of the ***highest*** parking level may be no more than ten (10) feet above grade and shall be designed and landscaped for use as an outdoor terrace area.
- ix. ~~Additional Design Standards~~—Buildings constructed in this area may incorporate contemporary materials and design features such as glass and metal panels in order to provide architectural interest. The roof deck over parking areas shall be landscaped and designed for use as an outdoor amenity space.
- x. ***Affordable Housing Bonus – For the construction of affordable housing described herein, developers of lots less than 10,000 square feet in the TOD-N zone may elect to utilize the Affordable Housing Bonus provisions below. The developer shall execute a redeveloper agreement with the Jersey City Redevelopment Agency (JCRA) in order to certify affordable renters and/or buyers and recertify renters on an annual basis or according to terms in the redeveloper agreement for the entire affordability period. The JCRA may waive the redeveloper agreement requirement if a developer proves they are receiving monies from a government, semi-public, philanthropic or other similar entity for the creation of affordable housing and acceptable reporting requirements are required by the grantor of said monies. The developer shall dedicate 2 units or 5% of all residential units constructed, whichever is greater, as affordable housing. All dedicated units shall be affordable to households at or below 80% of the Area Median Income (AMI) as promulgated by the U.S. Department of Housing and Urban Development for a period of 15 years from the issuance of the certificate of occupancy or for the duration of an approved tax abatement, whichever is less. If the terms of this Affordable Housing Bonus are satisfied, a developer shall qualify for the following bonuses provided that all of the provisions (1-4) are met:***
- 1) ***Lots shall not be regulated by the Residential District Standards of this plan and instead be regulated by the bulk requirements of the TOD-N zone and the height requirements of this bonus listed below.***
 - 2) ***Density is not regulated by floor area ratio or units per acre. Instead, a "building envelope" is defined, depending on the size and shape of the site. Minimum room and unit sizes are regulated by building code.***
 - 3) ***Subdivision or lot consolidations must conform to the following minimum standards:***
 - ***Minimum lot Area: 2,500 square feet***
 - ***Maximum Shape Factor: 28 (Note: Shape factor is defined in the LDO as the perimeter of the lot squared, divided by the lot area.)***

- 4) *The maximum building height may be increased based on the lot size according to the following table provided the required standards in the table are met:*

<i>Lot Area up to (square feet):</i>	<i>Maximum Building Height (stories)/(feet)</i>
<i>0 to 2,999</i>	<i>3 / 38'</i>
<i>3,000 to 4,999</i>	<i>5 / 59'</i>
<i>5,000 to 9,999</i>	<i>6 / 69'</i>

*Table above: Graduated density bonus table for TOD-N
Blocks 17505, and 17504*

- b. Block 17503 – NO CHANGE
- c. Block 15801 - NO CHANGE
- d. Blocks 17502 - NO CHANGE
- e. Parking Requirements: NO CHANGE
- f. Street Circulation Improvements: NO CHANGE

Department of Housing, Economic Development & Commerce
Division of City Planning



Inter-Office Memorandum

DATE: 12/4/ 2015
TO: Council President Lavarro, Anthony Cruz, Bob Cotter
FROM: Matt Ward, PP, AICP *M. Ward*
SUBJECT: Morris Canal Redevelopment Plan amendments

The proposed amendments revise the TOD-N zone of the Morris Canal Redevelopment Plan.

Currently, the existing Plan's Transit Oriented Development – North (TOD-N) Zone allows for 8-story buildings on lots at least 10,000 square feet. There is a need citywide for more affordable housing. The TOD-N Zone is located in close proximity to the Light Rail (HBLRT), it would be appropriate permit mixed use multi-family buildings on all affected lots through the mechanism of an affordable housing bonus.

This amendment would allow for smaller, shorter apartment buildings with or without ground floor retail on lots less than 10,000 square feet.

These amendments were discussed at a community meeting on December 3, 2015 at which I spoke and are scheduled for another meeting on December 8, 2015. At the first meeting, the positive effects of the amendments were understood by the community and no opposition to proceeding was voiced.

Amendments received favorable recommendations from the Planning Board for adoption. Notice to community groups was carried out as detailed in the plan.

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE TOD-N ZONE OF THE MORRIS
CANAL REDEVELOPMENT PLAN**

The proposed amendments revise the TOD-N zone of the Morris Canal Redevelopment Plan. Currently, the existing Plan's Transit Oriented Development – North (TOD-N) Zone allows for 8-story buildings on lots at least 10,000 square feet. There is a need citywide for more affordable housing. The TOD-N Zone is located in close proximity to the Light Rail (HBLRT), it would be appropriate permit mixed use multi-family buildings on all affected lots through the mechanism of an affordable housing bonus. This amendment would allow for smaller, shorter apartment buildings with or without ground floor retail on lots less than 10,000 square feet.

Department of Housing, Economic Development & Commerce
Division of City Planning



Inter-Office Memorandum

DATE: 12/4/ 2015
TO: Council President Lavarro, Anthony Cruz, Bob Cotter
FROM: Matt Ward, PP, AICP *M. Ward*
SUBJECT: Morris Canal Redevelopment Plan amendments

The proposed amendments revise Map B, the Zoning Map of the Morris Canal Redevelopment Plan.

A change to the Zoning Map is appropriate to permit a property owner of a historically mixed-use building to convert ground floor residential back to commercial space by expanding the boundary of the Mixed Use "A" Zone to include Block 20304 Lot 27. The building is situated on Communipaw Avenue which is one of the main commercial thoroughfares of the neighborhood.

These amendments were discussed at a community meeting on December 3, 2015 at which I spoke and are scheduled for another meeting on December 8, 2015. At the first meeting, the positive effects of the amendments were understood by the community and no opposition to proceeding was voiced.

Amendments received favorable recommendations from the Planning Board for adoption. Notice to community groups was carried out as detailed in the plan.

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.182
TITLE: 3.J DEC 16 2015 4.G JAN 13 2016

Ordinance of the Municipal Council of the City of Jersey City
adopting amendments to the (Transit Oriented Development
North) TOD-N Zone of the Morris Canal Redevelopment Plan.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABS	ENT	
RAMCHAL	✓			OSBORNE	ABS	ENT		WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H. 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JUNE JONES
LAKEN WASHINGTON
YVONNE BALCEL
CHARLES HALLINGTON

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 16 2015
Adopted on second and final reading after hearing on JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on JAN 13 2016

Robert Byrne, City Clerk
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JAN 13 2016

APPROVED:

Steven M. Fulop, Mayor

Date JAN 15 2016

Date to Mayor JAN 14 2016

City Clerk File No. Ord. 15.183

Agenda No. 3.K 1st Reading

Agenda No. 4.H 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.183

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE ZONING MAP OF THE MORRIS CANAL REDEVELOPMENT PLAN

WHEREAS, the Municipal Council of the City of Jersey City adopted the Morris Canal Redevelopment Plan in March of 1999, and amended the Plan numerous times subsequently, most recently on May 27, 2015; and

WHEREAS, a change to Map B: Zoning is appropriate to permit a property owner of a historically mixed-use building to convert ground floor residential back to commercial space by expanding the boundary of the Mixed Use "A" Zone to include Block 20304 Lot 27; and

WHEREAS, the Planning Board, at its meeting of October 20, 2015, determined that the Morris Canal Redevelopment Plan should be amended to revise the Zoning map (otherwise referred to as Map B) of the plan to expand the Mixed Use "A" Zone to include Block 20304 Lot 27; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Morris Canal Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Morris Canal Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, PP, FAICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

APPROVED:

Corporation Counsel

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE ZONING MAP OF THE MORRIS CANAL REDEVELOPMENT PLAN

Initiator

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
	Matt Ward, PP, AICP	Senior Planner
Phone/email	201-547-5010	bobbyc@jcnj.org / mward@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)


Resolution Purpose

The proposed amendments revise Map B, the Zoning Map of the Morris Canal Redevelopment Plan. A change to the Zoning Map is appropriate to permit a property owner of a historically mixed-use building to convert ground floor residential back to commercial space by expanding the boundary of the Mixed Use "A" Zone to include Block 20304 Lot 27. The building is situated on Communipaw Avenue which is one of the main commercial thoroughfares of the neighborhood.

I certify that all the facts presented herein are accurate.


Signature of Division Director

12-4-15
Date


Signature of Department Director

12/4/15
Date

Summary Sheet:

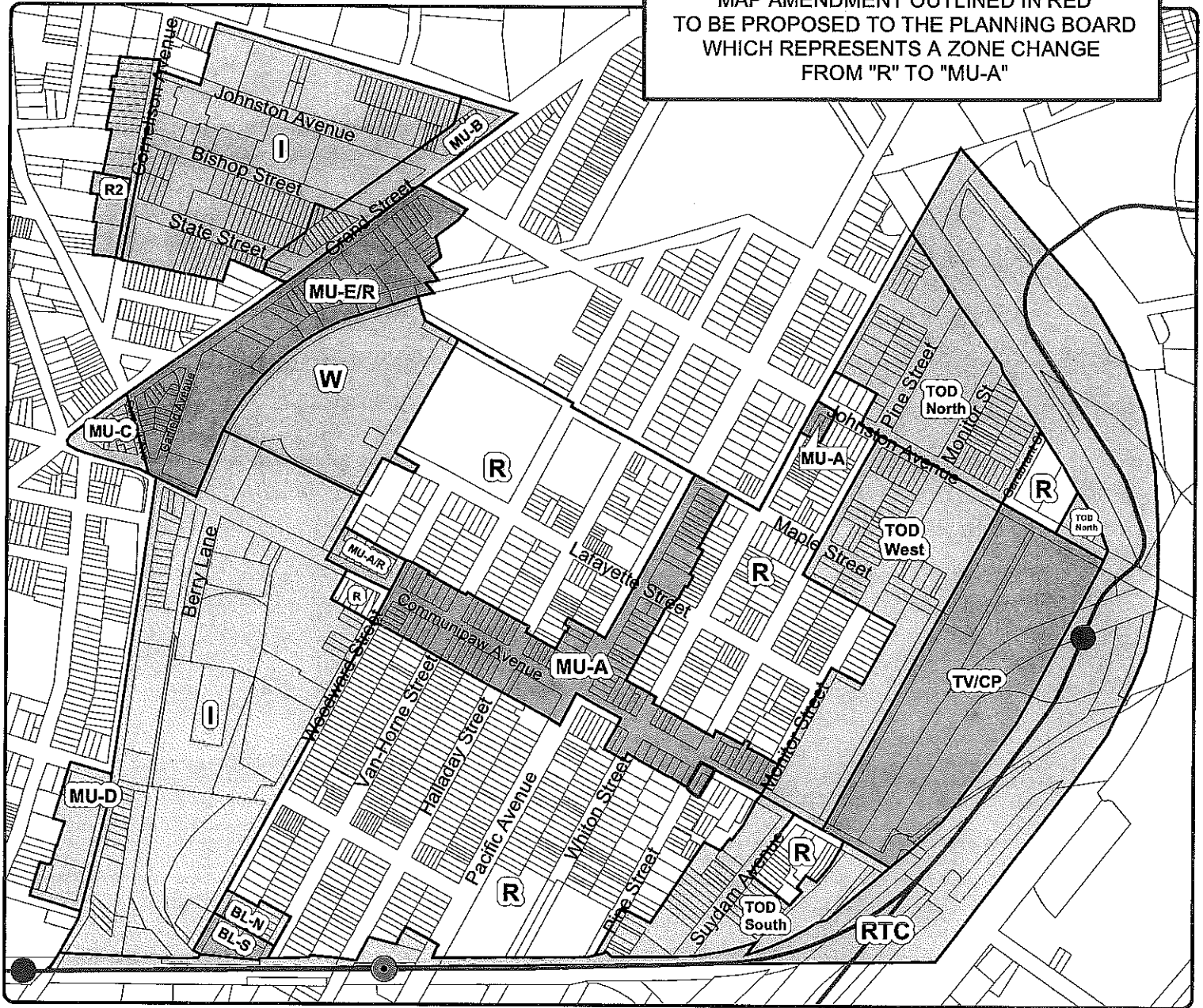
**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE ZONING MAP OF THE MORRIS
CANAL REDEVELOPMENT PLAN**

The proposed amendment revises the Zoning Map of the Morris Canal Redevelopment Plan (Otherwise referred to as Map B). A change to Map B: Zoning is appropriate to permit a property owner of a historically mixed-use building to convert ground floor residential back to commercial space by expanding the boundary of the Mixed Use "A" Zone to include Block 20304 Lot 27. The building is situated on Communipaw Avenue which is one of the main commercial thoroughfares of the neighborhood.

Morris Canal Redevelopment Plan

Map B: Zoning

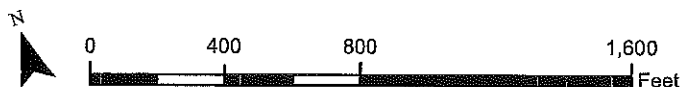
MAP AMENDMENT OUTLINED IN RED
TO BE PROPOSED TO THE PLANNING BOARD
WHICH REPRESENTS A ZONE CHANGE
FROM "R" TO "MU-A"



ZONE ABBREVIATIONS

R	Residential	MU-D	Mixed Use - D	BL-N	Berry Lane Park North
R2	Residential 2	MU-E/R	Mixed Use - E/Residential	BL-S	Berry Lane Park South
MU-A/R	Mixed Use - A or Residential	I	Industrial		
MU-A	Mixed Use - A	RTC	Rail Transportation Corridor		
MU-B	Mixed Use - B	W	Whitlock Cordage ARD		
MU-C	Mixed Use - C		TOD North		
			TOD South		
			TOD West		
			TV/CP		
			Transit Village / Commuter Parking		

—●— Hudson Bergen Light Rail
● Proposed Station



September 1, 2015

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.183
TITLE: 3.K DEC 16 2015 4.H JAN 13 2016

Ordinance of the Municipal Council of the City of Jersey City
adopting amendments to the Zoning Map of the Morris Canal
Redevelopment Plan.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
								DEC 16 2015 7-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABS	EXT	
RAMCHAL	✓			OSBORNE	ABS	EXT		WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING										JAN 13 2016	
Councilperson <u>RIVERA</u>				moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.						<u>8-0</u>	
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	<u>ABSENT</u>			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
								JAN 13 2016 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 16 2015
Adopted on second and final reading after hearing on JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on JAN 13 2016

Robert Byrne, City Clerk
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President
Date JAN 13 2016

APPROVED:

Steven M. Fulop, Mayor
Date JAN 15 2016
Date to Mayor JAN 14 2016

City Clerk File No. Ord. 15.185

Agenda No. 3.M 1st Reading

Agenda No. 4.I 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.185

TITLE:

ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT)
ARTICLE IV (DEPARTMENT OF ADMINISTRATION) ABOLISHING THE DIVISION
OF ARCHITECTURE, ENGINEERING, TRAFFIC AND TRANSPORTATION AND
CREATING THE DIVISION OF ARCHITECTURE AND THE DIVISION OF
ENGINEERING, TRAFFIC AND TRANSPORTATION OF THE JERSEY CITY CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

A. The following supplements to Chapter 3 (Administration of Government) Article IV
(Department of Administration) of the Jersey City Code are adopted:

CHAPTER 3
ADMINISTRATION OF GOVERNMENT

ARTICLE IV
Department of Administration

§3-42. Organization of Department

The Department of Administration shall consist of the following divisions and offices:

- A. Division of Management and Budget.
- B. Office of Municipal Public Defender.
- C. Division of Purchasing and Central Services.
- D. Division of Communications.
- E. Reserved
- F. ~~Division of Architecture, Engineering, Traffic and Transportation]~~
Division of Architecture.
- G. Division of Engineering, Traffic and Transportation
- H. Division of Information Technology.
- I. Reserved.
- J. Reserved.
- K. Reserved
- L. Reserved.
- M. Office of Utility Management.
- N. Division of Real Estate.
- O. Division of Economic Opportunity.
- P. Office of Risk Management.
- Q. Division of Collections.
- R. Division of Treasury and Debt Management
- S. Division of Accounts and Control.

- T. Division of Internal Audit.
- U. Office of Tax Abatement.

§ 3-43 through §3-44 No Change

§ 3-45. - Division of Architecture, ~~[Engineering, Traffic and Transportation.]~~

A. Creation of the Division of Architecture, ~~[Engineering, Traffic and Transportation;~~ Director of Architecture, ~~Engineering, Traffic and Transportation]~~ in charge. There is hereby created within the Department of Administration a Division of Architecture, ~~[Engineering, Traffic and Transportation]~~, the head of which shall be the Director of Architecture, ~~[Engineering, Traffic and Transportation]~~, which shall:

~~[B. Functions. Within the Division there shall be an Office of Architecture which reports to the Director of the Division and which shall:]~~

- (1) Provide architectural services for the construction, reconstruction, maintenance, rehabilitation and demolition of public buildings, parks and related facilities. Produce plans and specifications under signature and seal of a licensed architect;
- (2) Provide for the structural maintenance, repair and alteration of all public buildings and parks owned or operated by the City;
- (3) Establish standards and procedures for the control, use and care of all City-owned equipment, materials and supplies in the custody of the Office;
- (4) Supervise the performance of all contracts for public works-related capital improvement projects and certify the amounts due and payable thereunder;
- (5) Provide for the preparation of plans and specifications for the construction, repair, alteration and demolition of all City buildings and structures;
- (6) Set standards for the construction, reconstruction and maintenance of all facilities in and/or on public lands;
- (7) Be responsible for grant coordination and control and preparation of all plans and specifications for public works and capital improvements;
- (8) Enforce the following section of the City Code and issue summonses for violation of this section:

- (a) Chapter 134 Contractors

Sec. 3-46 Engineering Functions. ~~Within the Division there shall be an Office of Engineering, which reports to the Director of the Division. The Office~~ Within the Department of Administration, there shall be a Division of Engineering, the head of which shall be the Municipal Engineer. The Division of Engineering shall comply with N.J.S.A. 45:8-27 et seq., governing the licensing and practice of professional engineers and all other applicable laws. Under the Director of the [Division, the Office]. The Division of Engineering [would] shall perform or oversee the performance of the following:

- (1) Grant coordination and control and preparation of all plans and specifications for public works and capital improvements, including those funded under NJDOT administered grants (undertaken by the City);
- (2) The performance of all contracts for public works and transportation-related capital improvement projects and certify the amounts due and payable thereunder;
- (3) Provide and maintain surveys, maps, specifications and operating records with respect to all property, works and facilities under the jurisdiction of the Division;
- (4) Establish standards and procedures for the control, use and care of all City-owned equipment, materials and supplies in the custody of the Division;
- (5) Provide, supervise and coordinate engineering and technical activities and services of all departments;
- (6) Perform or supervise land surveys of public land and rights-of-way and maintain the official tax assessment maps for the City;
- (7) Enforce the following sections of the City Code and issue summonses for violation of these sections:
 - (a) Article I of Chapter 287, Solid Waste;
 - (b) Chapter 340 Waterfront;
- (8) The Director shall designate an inspector(s) who shall have the authority and duties as provided by the Jersey City Municipal Code but shall report to the Division Director;
- (9) The ~~{Office}~~ Division of Engineering under the direction of the department director shall have plenary authority and control over transportation-related capital improvement projects and the coordination and control over NJDOT-administered grants and aid for capital construction.

B. Traffic and Transportation Functions.

- (1) Administer and enforce Chapter 332, Vehicles and Traffic, and such other provisions of the Jersey City Code relating to traffic, transportation and traffic engineering, except as otherwise provided by federal, state, county or local laws;
- (2) Assure that all signs conform to federal, state, county and local laws, rules and regulations governing traffic signs, marking or pavements and related markings for such purposes. All traffic control devices shall conform, insofar as practicable, with the standards set forth in the Manual of Uniform Traffic Control Devices for Streets and Highways, United States Department of Transportation, Federal Highway Administration;
- (3) Designate the location and design of highway lighting devices, poles and fixtures and the type and intensity of illumination for streets and ways;
- (4) Collect and compile traffic data and prepare engineering studies and surveys in regard to vehicular and pedestrian traffic;
- (5) Establish parking meter zones and determine the design, type, size, location and use of parking meters;

- (6) Make and promulgate regulations designating curb loading zones, taxi stands and bus stops pursuant to N.J.S.A. 39:4-197(3)b;
- (7) Conduct studies of the causes of accidents and determine remedial measures to prevent their future occurrence;
- (8) Maintain a suitable system of filing traffic accident reports and prepare an annual traffic report, which report shall contain the following information: the number of traffic accidents; number of persons killed; number of persons injured; and other similar pertinent traffic accident data;
- (9) Plan the operation and movement of traffic on the streets and highways of the City;
- (10) Establish rates and regulations governing the use of public highways by vehicles and pedestrians within the limits established by state law and Chapter 332, Vehicles and Traffic, of the Jersey City Code, including, but not to the exclusion of other regulatory powers conferred, the installation of traffic control devices, designations of through streets and stop streets, of curb parking zones and the manner of their use, including areas for the installation of parking meters, designation of public carrier stands and areas for the installation of parking meters, designation of public carrier stands and stops, curb loading zones, crosswalks, safety zones and streets at which drivers shall not make right or left turns, speed of vehicles and time of loading and unloading;
- (11) Review all requests for street openings and public utility work plans which in any way would affect traffic within the City, issue street opening permits to municipal and utility excavators, establish rules and regulations governing construction and maintenance work zones on public rights-of-way and assure that such zones conform to established standards for the protection of traffic and pedestrians and review and approve all curb cuts on the municipal right-of-way;
- (12) cooperate with other City officials in the development of ways to improve traffic conditions;
- (13) carry out additional duties imposed by this Code;
- (14) Provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any ways whenever such closing is necessary for the preservation of the public safety, health and welfare; said regulations shall be promulgated in accordance with N.J.S.A. 40:67-16.7 and 40:67-16.9;
- (15) The Division of [~~Architecture,~~] Engineering, Traffic and Transportation shall, concurrently with the Division of Police and the Division of Parking Enforcement within the Department of Public Safety, enforce all laws and regulations regulating the parking of vehicles:
 - (a) In on-street and off-street parking metered areas in the City;
 - (b) On the roadway side of any vehicle stopped or parked at the curb;
 - (c) Within ten (10) feet of a fire hydrant;
 - (d) Within no stopping and no standing zones where signs indicate the existence for such zones;
 - (e) In a bus stop or in a taxi stand zone where signs indicate the existence of such zones;
 - (f) On a roadway within twelve (12) inches of the curb;

(g) In an off-street parking area operated by the City.

(16) Drawings for construction of proposed traffic facilities to be submitted to the Division Director. All design drawings prepared by other agencies, departments or divisions for the construction of proposed highways, bridges, parking terminals and other traffic handling facilities shall be submitted to the Division Director for a review and recommendation, but nothing in this section shall be construed to prevent the City Council from acting on such matter without such review or recommendation.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in ~~{brackets}~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Full Title of Ordinance/Resolution

ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IV (DEPARTMENT OF ADMINISTRATION) ABOLISHING THE DIVISION OF ARCHITECTURE, ENGINEERING, TRAFFIC AND TRANSPORTATION AND CREATING THE DIVISION OF ENGINEERING, TRAFFIC AND TRANSPORTATION OF THE JERSEY CITY CODE

Initiator

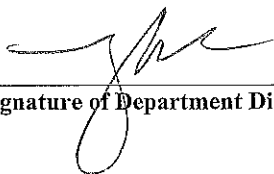
Department/Division	Business Administration	
Name/Title	Robert Kakoleski, Business Administrator	
Phone/email	(201) 547-5147	RJKakoleski@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

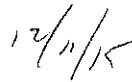
Ordinance Purpose

With the appointment of a Municipal Engineer, the Business Administrator, with the concurrence of the Mayor, recommends that the Division of Architecture, Engineering, Traffic and Transportation be abolished and two new divisions be created, a Division of Architecture and a Division of Engineering, Traffic and Transportation headed by the Municipal Engineer.

I certify that all the facts presented herein are accurate.



Signature of Department Director



Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.185

TITLE: 3.M DEC 16 2015 4.1 JAN 13 2016

Ordinance amending Chapter 3 (Administration of Government)
Article IV (Department of Administration) abolishing the Division
of Architecture, Engineering, Traffic and Transportation and
creating the Division of Architecture and the Division of
Engineering, Traffic and Transportation of the Jersey City Code.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 2-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
RAMCHAL	✓			OSBORNE	ABSENT	ENT		WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H. 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	ABSENT			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on _____

DEC 16 2015

Adopted on second and final reading after hearing on _____

JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **JAN 13 2016**

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr.
Rolando R. Lavarro, Jr., Council President

Date

JAN 13 2016

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor

Date

JAN 15 2016

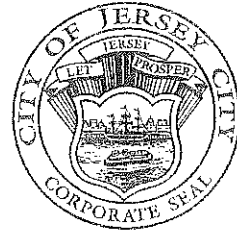
Date to Mayor

JAN 14 2016

City Clerk File No. Ord. 15.186

Agenda No. 3.N 1st Reading

Agenda No. 4.J 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.186

TITLE: ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO FILE AN OFFER OF FINANCIAL ASSISTANCE [OFA] TO ACQUIRE CERTAIN PROPERTY COLLECTIVELY KNOWN AS THE SIXTH STREET EMBANKMENT FROM CONRAIL AND SUCH OTHER CONRAIL PROPERTIES AS ARE NECESSARY TO CONNECT WITH THE MAIN LINE IN THE VICINITY OF CP WALDO

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, Consolidated Rail Corporation [Conrail] was the owner of certain property designated as Block 212, Lot M., Block 247, Lot 50A, Block 280, Lot 50A, Block 317.5, Lot 50A, Block 354.1, Lot 50A, Block 389.1, Lot 50 and Block 415, Lots 50 and 50.PL, Block 446, Lot 18A on the City of Jersey City's Official Tax Assessment Map and more commonly known as the Sixth Street Embankment [Property]; and

WHEREAS, the Property is part of a line of railroad known as the Harsimus Branch, which was the former main line of the Pennsylvania Railroad into Jersey City; and

WHEREAS, lines of railroad may not be abandoned and converted into non-rail use without the prior authorization of the Surface Transportation Board [STB], a federal agency, even if the railroad owning the line has ceased to use it for rail purposes; and

WHEREAS, Conrail ceased using the Property in or around 1996; and

WHEREAS, the Property and its extension to CP Waldo (in the vicinity of Chestnut and Waldo Streets) is the last underutilized transportation corridor available to address passenger and freight transportation needs in congested Downtown Jersey City; and

WHEREAS, the property also is part of the preferred route of the East Coast Greenway and is listed on the State Register of Historic Places; and

WHEREAS, in 2004 and 2005, City of Jersey City by adoption of Ordinances 04-096 and 05-064 authorized acquisition of the Property for its own use as open space and for eventual construction of a public park; and

WHEREAS, notwithstanding the City's expression of interest in acquiring the property in 2005 Conrail sold the Property to a private party [Developer] for \$3 million for non-rail purposes without any prior STB rail abandonment authorization; and

WHEREAS, the City of Jersey City along with Embankment Preservation Coalition [Coalition] and Rails to Trails Conservancy [RTC] filed a petition for a declaratory order at STB for a determination that the Harsimus Branch was a line of railroad such that the 2005 sale was illegal, and otherwise objected to the sale and redevelopment of the Property; and

WHEREAS, Conrail and the Developer sought to evade STB regulation (including historic preservation regulation by STB) by claiming that the Harsimus Branch was not a line of railroad; and

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO FILE AN OFFER OF FINANCIAL ASSISTANCE [OFA] TO ACQUIRE CERTAIN PROPERTY COLLECTIVELY KNOWN AS THE SIXTH STREET EMBANKMENT FROM CONRAIL AND SUCH OTHER CONRAIL PROPERTIES AS ARE NECESSARY TO CONNECT WITH THE MAIN LINE IN THE VICINITY OF CP WALDO

WHEREAS, the STB ruled that the Property was part of a line of railroad, but this ruling was appealed by Conrail and the Developer, resulting in litigation in federal courts that ultimately determined in 2013 that the Harsimus Branch in fact was a line of railroad for which STB abandonment authorization was required; and

WHEREAS, the Developer in some cases joined by Conrail filed multiple litigations against the City of Jersey City and its boards, agencies and employees as well as the Coalition and RTC and attorneys for City, Coalition and/or RTC; and

WHEREAS, the STB in a Decision served August 11, 2014, rejected the Developer's most recent efforts to assert that STB lacked jurisdiction over the Harsimus Branch; and

WHEREAS, in another Decision served August 11, 2014, STB reinstituted an abandonment proceeding (AB 167-Sub no. 1189X) for the Harsimus Branch from Marin Boulevard to CP Waldo (vicinity of Chestnut and Waldo Streets) in Jersey City; and

WHEREAS, an important remedy afforded under federal law to communities facing abandonment of lines is the Offer of Financial Assistance [OFA], whereby a community may purchase on terms set by the STB a line or portion thereof interconnecting to the freight rail system for, as construed by STB, continued freight rail and other compatible public purposes; and

WHEREAS, the governing statute (49 U.S.C. 10904) requires that the successful OFA applicant neither transfer nor discontinue service over such line for two years after purchase; and

WHEREAS, the City wishes to use the OFA remedy to secure the corridor for continued freight and passenger rail service in order to relieve congestion and pollution on City streets, especially from trucks, and to employ any surplus property as open space and for other compatible public purposes, all consistent with preservation of the historic Sixth Street Embankment; and

WHEREAS, under STB precedent in OFA proceedings, the presumptive price of fee title to the Property is the price paid by the Developer (\$3 million) and the presumptive price of easement title to the Property is zero; and

WHEREAS, the City under the OFA remedy also will need to acquire additional property to link to the national freight rail network (National Docks Secondary and/or CP Waldo), which will require a corridor of no less than 30 feet width and if otherwise feasible at least 50 to 60 feet width minimum plus staging areas across property believed owned by Conrail extending as far as the National Docks Secondary and/or by easement over said National Docks Secondary to CP Waldo; and

WHEREAS, the City wishes to comply fully with the requirements of 49 U.S.C. 10904; and

WHEREAS, pursuant to N.J.S.A. 48:12-125.1, City is also authorized to acquire Conrail properties subject to STB abandonment proceedings on terms offered by Conrail to other purchasers; and

WHEREAS, in order to pursue the OFA remedy, City will be required to pay an application fee of \$1,600, and, in order to obtain terms and conditions of purchase from STB, an additional fee of \$24,200; and

WHEREAS, in order to invoke the OFA remedy, City must also be prepared to offer expert evidence on valuation issues and upon other issues pursuant to conditions imposed by STB; and

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO FILE AN OFFER OF FINANCIAL ASSISTANCE [OFA] TO ACQUIRE CERTAIN PROPERTY COLLECTIVELY KNOWN AS THE SIXTH STREET EMBANKMENT FROM CONRAIL AND SUCH OTHER CONRAIL PROPERTIES AS ARE NECESSARY TO CONNECT WITH THE MAIN LINE IN THE VICINITY OF CP WALDO

WHEREAS, STB's terms and conditions ordinarily require conveyance of the property by quitclaim deed, as is where is; and

WHEREAS, once STB sets terms and conditions, the OFA applicant is ordinarily given no less than ten (10) days to accept or to reject the terms and conditions; and

WHEREAS, if the terms and conditions are accepted, they are binding on the applicant; and

WHEREAS, funds are available for all costs to be incurred pursuant to this ordinance in Account No. 04-215-55-887-990; and

WHEREAS, the Hudson County Superior Court invalidated, without prejudice, Ordinance 14.103 under the Open Public Meetings Act (OPMA), N.J.S.A. 10:4-6, on the ground that certain discussions held by the City Council at the September 8, 2014, closed session should have been disclosed to the public prior to adoption of the Ordinance;

WHEREAS, without conceding that the ruling was correct but rather to better facilitate the prompt availability of the OFA remedy to the City, the City, without waiver of any right to appeal or on appeal, wishes to adopt a lawful Ordinance authorizing an OFA, and to lawfully ratify all actions taken to date to facilitate the filing of any OFA, including retention of experts and taking of legal advice in that connection;

WHEREAS, the City therefore has made available to the public prior to adoption of this Ordinance the unredacted portions of the transcript of the September 8, 2014, closed session that the Hudson County Superior Court ruled were subject to public disclosure pursuant to the OPMA;

WHEREAS, public disclosure of the deliberations recorded in the unredacted portions of the transcript of the September 8, 2014, closed session, in conjunction with a reopening of public comment and Council deliberations constitutes de novo action by City Council in satisfaction of the corrective/remedial action provision of N.J.S.A. 10:4-15 and as referenced in the November 10, 2015, Hudson County Superior Court Order;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The Corporation Counsel or his duly designated agent and the Business Administrator are authorized to file an Offer of Financial Assistance [OFA] to acquire title to the following property for purposes of continued freight rail and other compatible public purposes including passenger rail, open space, trail and historic preservation: Block 212, Lot M., Block 247, Lot 50A, Block 280, Lot 50A, Block 317.5, Lot 50A, Block 354.1, Lot 50A, Block 389.1, Lot 50, Block 415, Lots 50 and 50.PL, and Block 446, Lot 18A, on the City of Jersey City's Official Tax Assessment Map and more commonly known collectively as the Sixth Street Embankment [Property] for the presumptive sum of \$3 million for fee title to the portion of the Property purportedly sold to the Developer for that price in 2005, and for an additional amount such that the total expenditure does not exceed \$5.7 million for the Property and for all remaining property necessary to achieve a connection to the national freight rail network.

2. The Corporation Counsel of the City of Jersey City or his duly designated agent and the Business Administrator are authorized and directed to undertake any actions and execute any documents necessary or appropriate to acquire any property by purchase from Conrail under an Offer of Financial Assistance as provided in paragraph 1. In the event the STB sets terms and conditions exceeding \$5.7 million under the OFA, the Corporation Counsel shall advise the Council immediately so that the Council may accept or reject such terms and conditions within the time period set by STB.

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO FILE AN OFFER OF FINANCIAL ASSISTANCE (OFA) TO ACQUIRE CERTAIN PROPERTY COLLECTIVELY KNOWN AS THE SIXTH STREET EMBANKMENT FROM CONRAIL AND SUCH OTHER CONRAIL PROPERTIES AS ARE NECESSARY TO CONNECT WITH THE MAIN LINE IN THE VICINITY OF CP WALDO

3. The Corporation Counsel or the Business Administrator are authorized and directed to solicit proposals to engage the services of surveyors, title insurance companies, appraisers and any other professionals whose services are necessary or appropriate to pursue an OFA and otherwise to implement the purposes of this ordinance.
4. The Corporation Counsel or the Business Administrator are authorized and directed to take appropriate measures to meet the City's obligation, in the event of a successful OFA, to seek to provide rail service per 49 U.S.C. 10904, including, but not necessarily limited to, (a) to solicit proposals for construction or operation of interim freight rail transload facilities to serve freight rail customers of the Harsimus Branch on suitable property in the event City acquires all or a portion of the Harsimus Branch at issue in AB 167 Sub 1189X pursuant to an OFA, provided that respondents are encouraged to limit subsidization requests for construction of a switch and trackage or for operation in light of the possible interim nature of said transload operations, pending planning for reconstruction and further operation, and (b), in the event City successfully acquires the Harsimus Branch pursuant to STB's OFA procedures, further to solicit proposals from consultants to prepare plans and recommendations (including for contributions to offset reconstruction costs) for restoration of the Harsimus Branch for rail purposes to the extent practicable consistent with other public purposes.
5. In the event STB does not permit City to OFA the Property, or the OFA is unsuccessful, the Corporation Counsel with the cooperation of the Business Administrator are authorized and directed to pursue all other possible remedies that may result in acquisition of the Property, including connections for rail and other public purposes such as trail at the STB and by means of N.J.S.A. 48:12-125.1.
6. This Ordinance shall take effect at the time and in the manner as provided by law.
7. This Ordinance shall not rescind Ordinance 04-096 or 05-064 which authorized the acquisition of the Embankment solely for open space and a park by purchase or condemnation.
8. All prior actions by or on behalf of the City in furtherance of the goals and objectives of this Ordinance and the preparation and filing of an OFA are hereby ratified, including the retention and payment of experts and consultants.
9. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face**
and repealed matter by *italic*.

MD/he
12/11/15

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET –

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO FILE AN OFFER OF FINANCIAL ASSISTANCE [OFA] TO ACQUIRE CERTAIN PROPERTY COLLECTIVELY KNOWN AS THE SIXTH STREET EMBANKMENT FROM CONRAIL AND SUCH OTHER CONRAIL PROPERTIES AS ARE NECESSARY TO CONNECT WITH THE MAIN LINE IN THE VICINITY OF CP WALDO

Initiator

Department/Division	Law	Law
Name/Title	Jeremy Farrell	Corporation Counsel
Phone/email	(201) 547-4667	JFarrell@jenj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This ordinance authorizes the relevant City departments to file for, and to pursue, a federal eminent domain remedy (49 USC 10904, called the "OFA" remedy) as administered by the federal Surface Transportation Board (STB) to acquire an unused portion of a line or railroad called the Harsimus Branch (Marin Blvd. to CP Waldo) which contains the Sixth Street Embankment, a City Historic Landmark. City has sought to acquire at least portions of this property since before Conrail in 2005 illegally sold the Embankment parcels to a developer without the required STB abandonment authorization. Conrail and the developer for years sought to prevent STB from exercising its jurisdiction. Now, an abandonment proceeding is finally pending, in which STB affords an OFA remedy. As a condition for invoking the remedy, the City must continue efforts to provide freight rail service on the line for two years before it may seek discontinuance authority.

This ordinance replaces a previous ordinance which was invalidated by the court for alleged violation of the Open Public Meetings Act while preserving our ability to appeal that ruling. This ordinance also reflects and authorizes payment of the increased fees for proceeding before the STB.

The OFA remedy affords an efficient means to acquire the last underutilized transportation corridor into downtown for continued transportation (including rail) use, as well as open space uses, all consistent with historic preservation, all the way from Marin to CP Waldo (roughly Waldo or Chestnut Streets). If City is allowed to file for the remedy, STB will set the terms and conditions of sale, including price, based on the price paid by the developer to Conrail for the Embankment parcels (\$3 million), and appraisals for any portions remaining under Conrail ownership. City is expected to have only a brief period (expected to be approximately 10 days) to accept the terms. If the terms are accepted, City ordinarily would be required to close within 60 days. The ordinance also contains provisions to equip the City to make the OFA, and to be in a position to accept terms and to close on a transaction within time periods set by STB.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

STATE OF NEW JERSEY
CITY OF JERSEY CITY
MUNICIPAL COUNCIL

CLOSED CAUCUS

TRANSCRIPT OF
PROCEEDINGS

ORIGINAL

City of Jersey City Municipal Council
280 Grove Street
Jersey City, New Jersey 07302
September 8, 2014

RECEIVED
2014 SEP 22 P 2:10
CITY CLERK'S OFFICE
JERSEY CITY, N.J.

SCHULMAN, WIEGMANN & ASSOCIATES

CERTIFIED SHORTHAND REPORTERS

216 STELTON ROAD

SUITE C-1

PISCATAWAY, NEW JERSEY 08854

(732) - 752 - 7800

1 B E F O R E:

2 MUNICIPAL COUNCIL

3 ROLANDO R. LAVARRO, Council President

4 JOYCE E. WATTERMAN, Councilman-At-Large

5 DANIEL RIVERA, Councilman-At-Large

6 FRANK GAJEWSKI, Councilman Ward A

7 RICHARD BOGGIANO, Councilman Ward C

8 MICHAEL YUN, Councilman Ward D

9 CANDICE OSBORNE, Councilwoman Ward E

10 DIANE F. COLEMAN, Councilwoman Ward F

11
12 ROBERT BYRNE, City Clerk

13 MAYOR FULOP

14 JEREMY FARRELL, ESQ., Corporation

15 Counsel

16 ROBERT KAKOLESKI, Business Administrator

17 DIANA JEFFREY, ESQ., Assistant Corporation.

18 Counsel

19 MICHAEL DOUGHERTY, ESQ., Assistant Corporation.

20 Counsel

21 ROBERT COTTER, Planning

22 JEFFREY WENGER, Planning

23 MARYANN BUCCI-CARTER, Planning

24
25 TRACEY R. SZCZUBELEK, C.C.R.

1 A L S O P R E S E N T :

2 Charles Montange, Esq.

3 John Jack Curley, Esq.

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Confidential

1 MR. BYRNE: Okay. Good afternoon,
2 Everyone. This is a closed session of the Jersey
3 City Municipal Council. It is 5:12 p.m. This
4 closed session was authorized by a resolution just
5 approved out in the Council chambers by the City
6 Council by an eight-zero vote, a resolution
7 authorizing a closed caucus of the Municipal Council
8 on Monday, September 8th, 2014 at 5 p.m. to discuss
9 pending litigations in matters within
10 attorney-client privilege, the Sixth Street
11 Embankment and Bright and Varick litigation.

12 MR. RAMCHAL: Council President.

13 MR. BYRNE: We have all nine members.

14 MR. RAMCHAL: No, Robert, Council
15 President, I would like to excuse myself from this
16 whole session because -- I didn't really miss a
17 meeting because I can't sit in this because I have a
18 personal issue with this.

19 MR. LAVARRO: You are excused, but
20 you did miss a meeting.

21 MR. RAMCHAL: I am going to excuse
22 myself from this closed session.

23 MR. BYRNE: Okay. We will hang out
24 together, Chico.

25 MR. RAMCHAL: For personal reason.

1 So I don't want to be in here.

2 MR. BYRNE: I am just going to say
3 you recuse yourself. Okay.

4 MR. FARRELL: You can leave your
5 paperwork.

6 MR. BYRNE: Councilperson Boggiano,
7 you are present.

8 MS. COLEMAN: [REDACTED]
9 [REDACTED]

10 MR. BYRNE: He has a reason.

11 MS. COLEMAN: So do I.

12 MR. FARRELL: [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 MS. COLEMAN: Okay. I'm going to
19 stay.

20 MR. BYRNE: Councilperson Yun, you're
21 present.

22 MR. YUN: Here.

23 MR. BYRNE: Councilperson Osborne is
24 present, as is Councilperson Coleman, Councilperson
25 Rivera, Councilperson Watterman, Council President.

1 We also have our Business Administrator, Robert
2 Kakoleski. We have special counsel --

3 Why don't you introduce yourself,
4 Jack, to everybody.

5 MR. CURLEY: John Jack Curley,
6 representing the City on the embankment State Court
7 cases.

8 MR. FARRELL: You are correct; he
9 goes by Jack.

10 MR. BYRNE: I know that.
11 Charles Montange, M-o-n-t-a-n-g?

12 MR. MONTANGE: E.

13 MR. BYRNE: E.

14 MR. MONTANGE: Yeah, Montange.

15 MR. BYRNE: And we have, for staff,
16 Mr. Robert Cotter, Diana Jeffrey and Mike Dougherty.
17 D-o-u-g-h-e-r-t-y, correct?

18 MR. DOUGHERTY: Correct.

19 MR. BYRNE: Thank you. Okay. If you
20 need me, holler or call me.

21 (Whereupon, Robert Byrne and
22 Councilman Ramchal leave the closed
23 caucus.)

24 MR. FARRELL: All right, guys, before
25 we start I just want to explain -- I wanted to

1 explain a few things, as this is our first executive
2 session.

3 The first thing is that there will be
4 minutes taken at this meeting and that at some later
5 date, when the context or the discussion that takes
6 place here today is no longer deemed to be within
7 the attorney-client privilege, the minutes will be
8 made public.

9 All the rules that govern a normal
10 meeting of this body still govern. Our Council
11 President will run the meeting. And I do encourage
12 you to ask any questions you have but to remember
13 that whatever is said here will eventually become
14 public. So all the rules of decorum and respect
15 should still apply.

16 I also want to make clear to this
17 body that we're not taking a vote on anything today;
18 but, rather, this session is for informational
19 purposes and that any actual actions will be taken
20 at the regular meeting on Wednesday.

21 MS. COLEMAN: Regarding both matters?

22 MR. FARRELL: Regarding both
23 matters -- regarding this matter. We are not
24 actually voting on anything on Bright and Varick.

25 And with that being said I want to

1 introduce you guys to Charles Montange, who has
2 flown in for this meeting. Charles will be
3 discussing with us the posture of the case right now
4 and our options as to how to best pursue the relief
5 sought.

6 Yes.

7 MR. BOGGIANO: What law firm is he
8 from?

9 MR. FARRELL: Charles Montange is
10 from his own law firm.

11 MR. MONTANGE: Law Offices of.

12 MR. FARRELL: Charles Montange. He
13 is a solo.

14 MR. BOGGIANO: And you are from?

15 MR. CURLEY: John J. Curley, LLC on
16 Harborside Financial Center.

17 MR. FARRELL: Jack Curley is our
18 local counsel. Charles Montange is our special
19 counsel representing in railway law.

20 MR. LAVARRO: Resulting in what?

21 MR. FARRELL: Railway law.

22 MS. OSBORNE: Just so we know, we
23 share this attorney with the Embankment Preservation
24 Coalition.

25 MR. MONTANGE: And Conservancy.

1 MR. FARRELL: With that, Charles, go
2 ahead.

3 MR. MONTANGE: Again, I am Charles
4 Montange. I have actually been representing the
5 City since 2006 in this matter. This is not the
6 first time I have been in the room; however, for
7 many of you, this is the first time you have seen or
8 heard me, so I will try to start at the very
9 beginning and try to go very quickly. And if there
10 are questions, feel free.

11 I will try to get to the heart of
12 things. They have asked me to discuss the character
13 of the things and why we are considering a
14 particular ordinance, which is a recommendation that
15 I am making for the next steps in this case.

16 First of all, I do railroad law
17 before the Service Transportation Board. Although I
18 am located in Seattle, which is 3,000 and 2,000
19 miles from you, I do this stuff across the country
20 for cities and county governments and groups that
21 are interested in main -- keeping a railroad
22 corridor intact, usually for light rail or trail but
23 sometimes even for actual freight rail or passenger
24 services. And I represent other local -- usually
25 smaller governments and lot of nonprofit groups.

1 In this particular matter I was
2 retained by the City, along with Rails To Trails
3 Conservancy Embankment Coalition. You guys are
4 getting a reduced rate as part of that deal.

5 The whole matter starts in -- well,
6 really starts last -- well, over a century ago. The
7 Harsimus branch, which is called the Sixth Street
8 Embankment, was the main line for freight for
9 Pennsylvania Railroad to get product from the middle
10 West down to the East Coast, into the harbor for
11 international trade. This line was -- ultimately
12 ended up in the hands of Penn Central, and there was
13 bankruptcy. And under a reorganization, which
14 formed ConRail, the property was transferred to
15 ConRail as a line of railroad.

16 MS. COLEMAN: As what?

17 MR. MONTANGE: A line of railroad.

18 MS. COLEMAN: Okay.

19 MR. MONTANGE: When I start to use
20 this stuff, realize there is going to be jargon; and
21 it's going to have legal significance beyond what a
22 normal lawyer is going to call for.

23 So it's a line of railroad. And what
24 happened was ConRail in the late 1960 -- 1990's
25 ceased all use of it, tore out the bridges or

1 suffered them to be torn out, took out the track,
2 took out the rail structure and began to look for a
3 market to sell it for non-rail purposes, all without
4 any abandonment authorization.

5 Any line of railroad that the United
6 States -- anything that's a line of railroad in the
7 United States has to receive exit permission --
8 that's a license from the Service Transportation
9 Board -- before it's dismantled and sold off. If it
10 is not done in accordance with law, Federal law,
11 then the sale is unlawful or the action of doing the
12 sale and the tearing out of the material is
13 unlawful. And one can seek to have the railroad put
14 back together again.

15 So in 2005 this property -- by 2005
16 the City was interested in acquiring this property
17 for alternative public use, historic preservation,
18 park trail, open space; and there was some glimmer
19 maybe for light rail. And it was viewed by the
20 Planning Department, I think, as an underused
21 transportation corridor, the last one into Downtown,
22 maybe prudent to keep it intact for future use.
23 That's where things stood in 2005.

24 The Council at that point -- 2004, I
25 think, even started to document an ordinance of

1 imminent domain against this line, so you take it
2 under State law. If you look at the title practice
3 manual, as the gentleman on my right did, it says if
4 you are going to acquire ConRail property, you must
5 receive -- you must ask the railroad first for proof
6 of abandonment at the Service Transportation Board
7 or proof that no abandonment authorization is
8 required.

9 He made an inquiry along those lines
10 to ConRail and got a less than affirmative response.
11 They essentially admitted no abandonment
12 authorization, and they asserted that they
13 designated the line to be a spur.

14 MS. COLEMAN: They did what?

15 MR. MONTANGE: They designated the
16 line to be a spur. They classified it as a spur.
17 That has a technical meaning in railroad law. It
18 means you don't have to have an abandonment
19 authorization. However, it's also the law that you
20 cannot just claim the line of railroad as a spur and
21 get out of it. It's like saying, "I don't have to
22 have a driver's license because I don't have to have
23 a driver's license." They can't just excuse
24 themselves from compliance by relabeling the thing.
25 Once it's a line, it's a line. They can't alter its

1 status. It can be unused. They can even try to
2 dismantle it. But it's still a line.

3 So the manner -- while all this was
4 going on, at the same time they were kind of
5 postponing things with Mr. Curley and holding him
6 off. They sold the line to SLH Properties and, in
7 particular, eight LLC's in common control of
8 Mr. Steve Hyman?

9 At that point --

10 MS. COLEMAN: Is that mic working?

11 MR. FARRELL: These mics don't
12 amplify; they just record.

13 MR. MONTANGE: Okay. Can you hear me
14 okay?

15 MS. COLEMAN: When you get down to
16 the ending of your --

17 MR. MONTANGE: I am tapering off. I
18 will do my best. There is an air condition --

19 MR. RIVERA: Which property? You
20 said they sold it to what?

21 MR. MONTANGE: SLH Property -- eight
22 LLC's, limited liability corporations, owned by --
23 controlled by Mr. Steve Hyman.

24 MR. BOGGIANO: Isn't it true that the
25 City decided not to purchase this because the cost

1 of the railroad was too much money?

2 MR. FARRELL: No. And let's hold off
3 on the questions because there is a lot of
4 background to get through and it's going to take
5 some time.

6 MR. MONTANGE: Yeah, you can -- maybe
7 the best way is do that and hold off your questions
8 at the end. I will try to answer any questions you
9 have, at least give my best estimate of the answer.

10 So we get the eight LNC's own it.
11 Negotiations went on at the time because the City
12 was interested in acquiring it. They authorized
13 imminent domain. Nothing happened. And finally
14 Mr. Hyman's companies began to take out stanchions
15 adjoining the embankment. And I think they were
16 applying for demo permits at the same time. And the
17 City decided it would have to pursue relief at the
18 Federal level.

19 And the Federal action -- I called up
20 the Service Transportation Board December 2005. And
21 honestly, Gang, they said they have been receiving
22 lots of cards and letters on this saying -- and they
23 were waiting for somebody to petition them for
24 relief. And they were the ones to first mention the
25 words "OFA" to me. They expected someone would try

1 to do that. And I will get into that in a moment.

2 But suffice -- in January 2006 we
3 filed Rail -- City of Jersey City, Rails To Trails
4 Conservancy Embankment Coalition filed a motion for
5 declaratory order of Transportation Board for
6 determination this was a line of railroad. We won.
7 In 2007 -- took a long time for STB to get its order
8 out because they have no time deadlines in most
9 proceedings. In 2007 they got an order out saying
10 it was a line of railroad at one point.

11 The LLC's, told by ConRail, took an
12 appeal to the D.C. Circuit. And they argued for the
13 first time that the only tribunal that can determine
14 whether this was a line of railroad was a U.S.
15 District Court in the District of Columbia. The
16 D.C. Circuit case of first impressions said, yeah,
17 you don't have to go to this U.S. District Court.

18 This sent us in a round of
19 litigation, which, as of February 2014, we won.
20 This is a line of railroad. It just clearly is
21 because it was the Penn Central -- Pennsylvania,
22 rather, Railroad line of freight to the East Coast.
23 There was no doubt about what it was. And Mr.
24 Hyman's companies even stipulated that there was a
25 line of railroad by that time and asserted -- I

1 don't know whether -- well, they have asserted in
2 pleadings filed in U.S. District Court ConRail
3 fraudulently misrepresented to them it was not a
4 line of railroad, but they say now clearly was a
5 line of railroad. Anyway, that's what they said in
6 court and upheld the appeals of court.

7 It's back to Transportation Board
8 now, where we should have been much earlier. But we
9 got chased around by ConRail, and the LLC's caused a
10 lot of litigation and turmoil. We are finally back
11 to where we should have been in 2006 -- where we
12 should have been before the sale was made.

13 MS. COLEMAN: Shouldn't have sold in
14 the first place.

15 MR. MONTANGE: No, shouldn't have
16 sold it in the first place. It was unlawful.
17 That's what the STB has said in orders relating to
18 things like this. The sale was unlawful.

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] -- I have taken you through sort of the
24 history of where we're at to now.

25 MS. OSBORNE: Just -- sorry, just to

1 make sure I am understanding everything you say, so
2 this Transportation Board said the sale was never
3 legal because they didn't do this abandonment; and
4 that was basically upheld through the U.S. Court of
5 Appeals?

6 MR. MONTANGE: Yeah, it's a line of
7 railroad now. We won; you were right.

8 MR. FARRELL: So our options going
9 forward are?

10 MR. MONTANGE: Yeah, the options
11 going forward -- let me, before -- I have talked
12 about the Federal litigation. And I should make
13 sure you guys are aware of the whole context first.
14 And then I will give you the options and why the
15 options become very important to you because that
16 helps set this up.

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the LLC's,

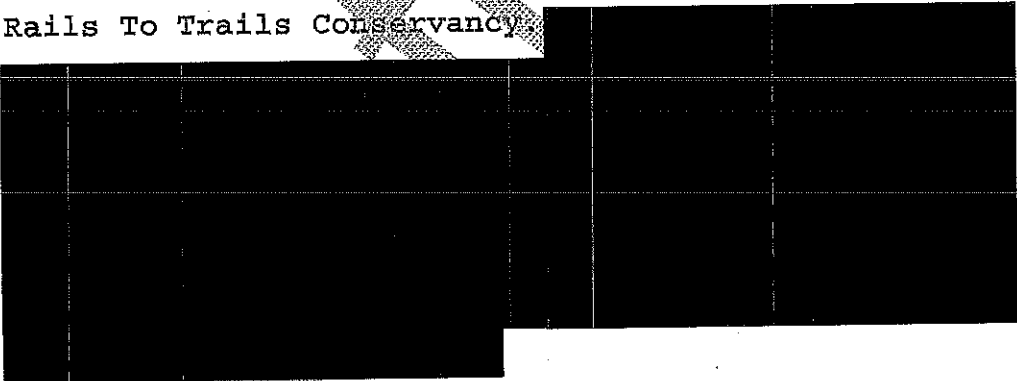
22 sometimes joined by ConRail, were filing, I recall
23 from my vantage point, waves of State Court and
24 administrative tribunal litigation, perceived waves
25 against the City appealing this designation of the

1 Harsimus branch, appealing the refusal to grant demo
2 permits. Finally a Federal Civil Rights --

3 MR. FARRELL: Closed session, Sue.
4 This is a closed session.

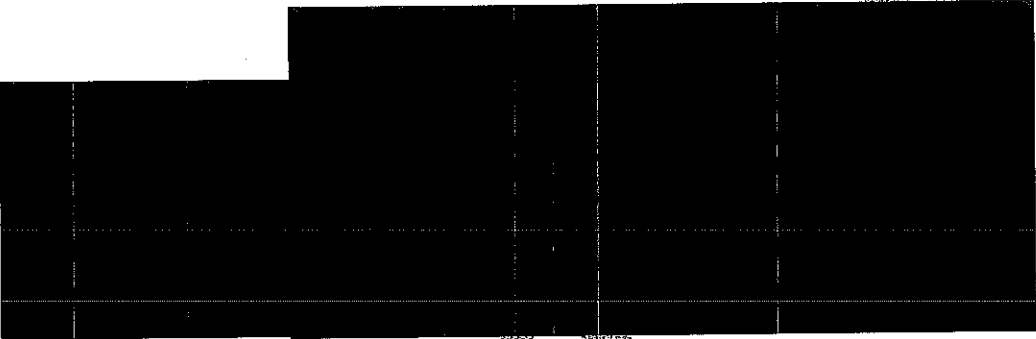
5 MR. MONTANGE: Finally a Federal
6 Civil Rights action against the City alleging an
7 unconstitutional -- basically an unconstitutional
8 deprivation of property rights and threatening
9 inverse condemnation suit against the City for an
10 alleged taking of the property.

11 And there is additional suits that
12 have been filed, including suits against individual
13 officers of City Government. And they even filed a
14 suit against me at one point and general counsel of
15 Rails To Trails Conservancy.



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21 At this point I think I can safely
22 say essentially all of the State Court proceedings
23 have been stayed pending a resolution of the Federal
24 case. So we finally got all the State stuff held in
25 abeyance pending an outcome of the Federal level.

1 It's now back at the Service
2 Transportation Board finally, as of roughly
3 February. And then with the exhaustion -- so now
4 the STB has to consider relief. And they are
5 restarting an abandonment proceeding for ConRail.
6 So our -- what we ask at this point becomes really
7 germane.



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13 MS. COLEMAN: That's what I'm waiting
14 for.

15 MR. MONTANGE:



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21 MS. COLEMAN:

22 MR. MONTANGE:



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25 MS. COLEMAN:

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[REDACTED]

MR. MONTANGE: Yes.

MS. COLEMAN:

[REDACTED]

[REDACTED]

MR. MONTANGE: Yeah.

MS. COLEMAN:

[REDACTED]

[REDACTED]

MR. MONTANGE:

[REDACTED]

[REDACTED]

[REDACTED]

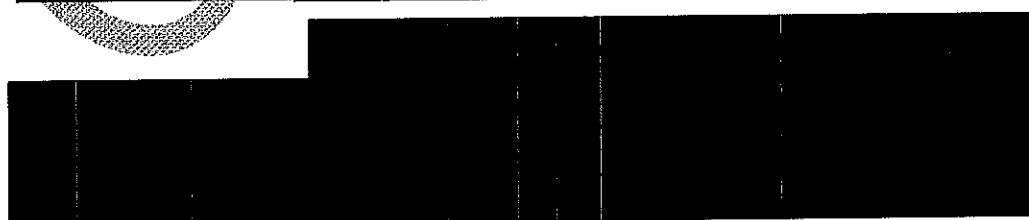
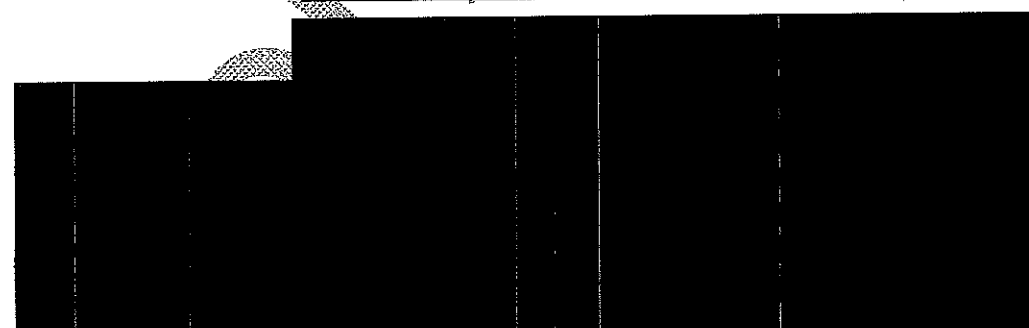
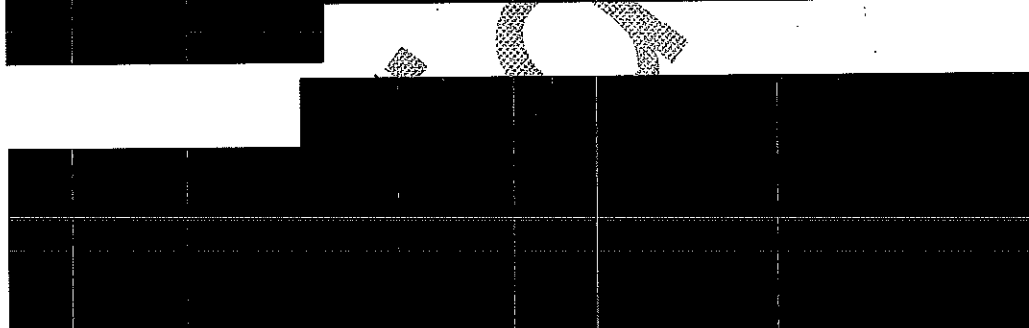
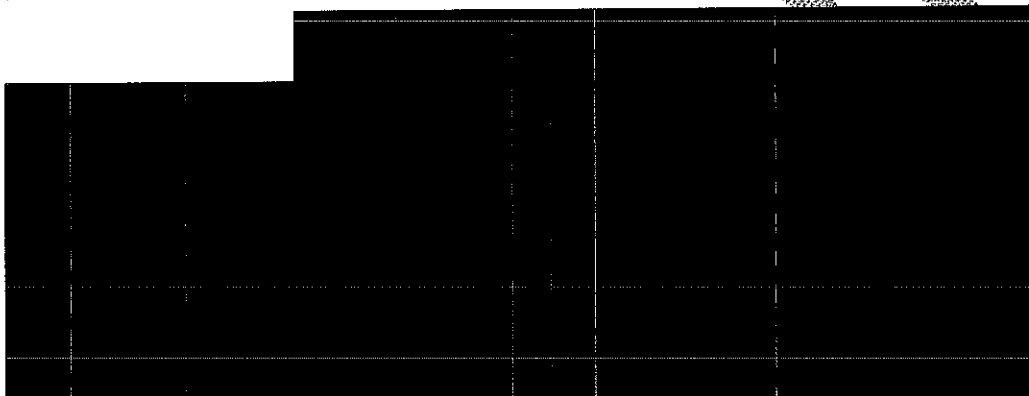
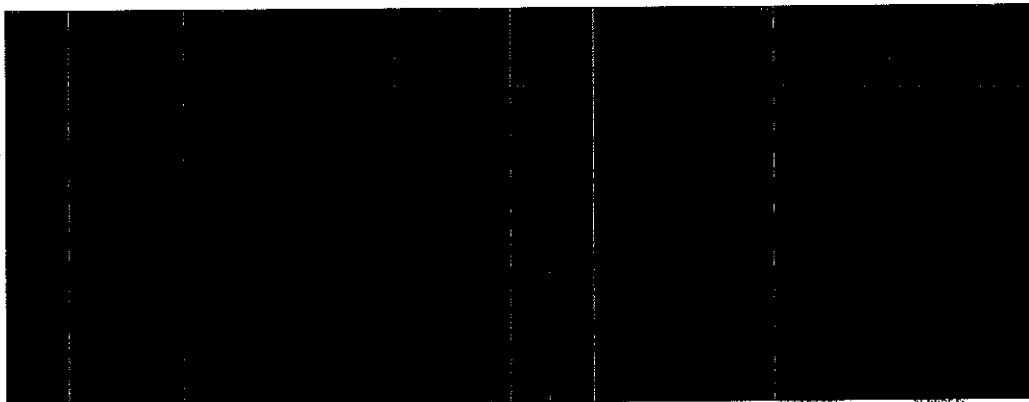
[REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

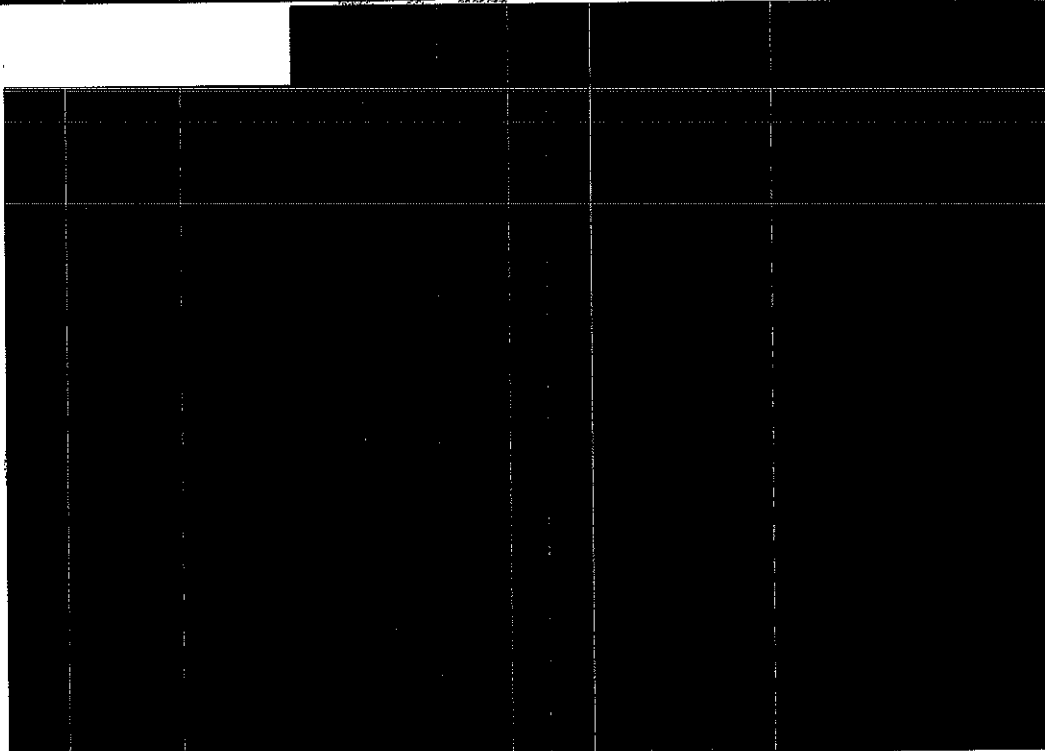
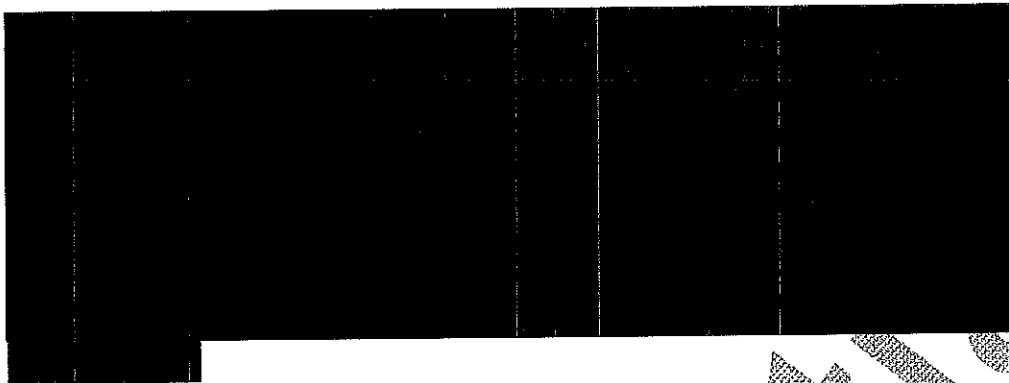
5 MR. FARRELL: I don't want to get too
6 bogged down with this because we have a lot to get
7 through and a lot of questions that are going to be
8 coming.

9 MR. MONTANGE: [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
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MS. COLEMAN:

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MR. MONTANGE:

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MR. FARRELL: Can we just add to the
record Mayor Fulop has joined the meeting.

MR. MONTANGE: Should I start at the

1 beginning?

2 MR. FARRELL: No.

3 MR. FULOP: I haven't seen you in a
4 long time.

5 MR. MONTANGE: Anyway, that leads us
6 to the OFA. The OFA stands for offer of financial
7 assistance.

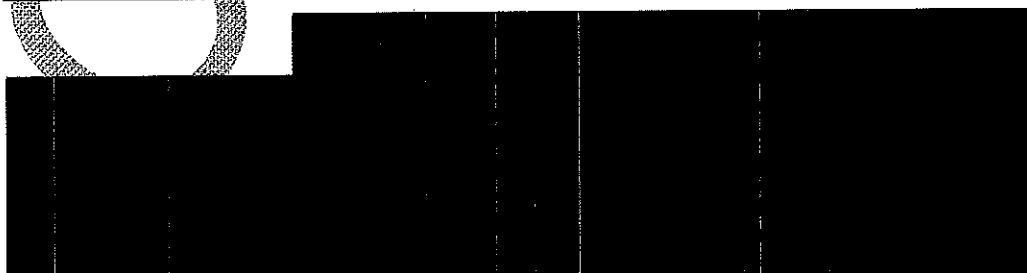
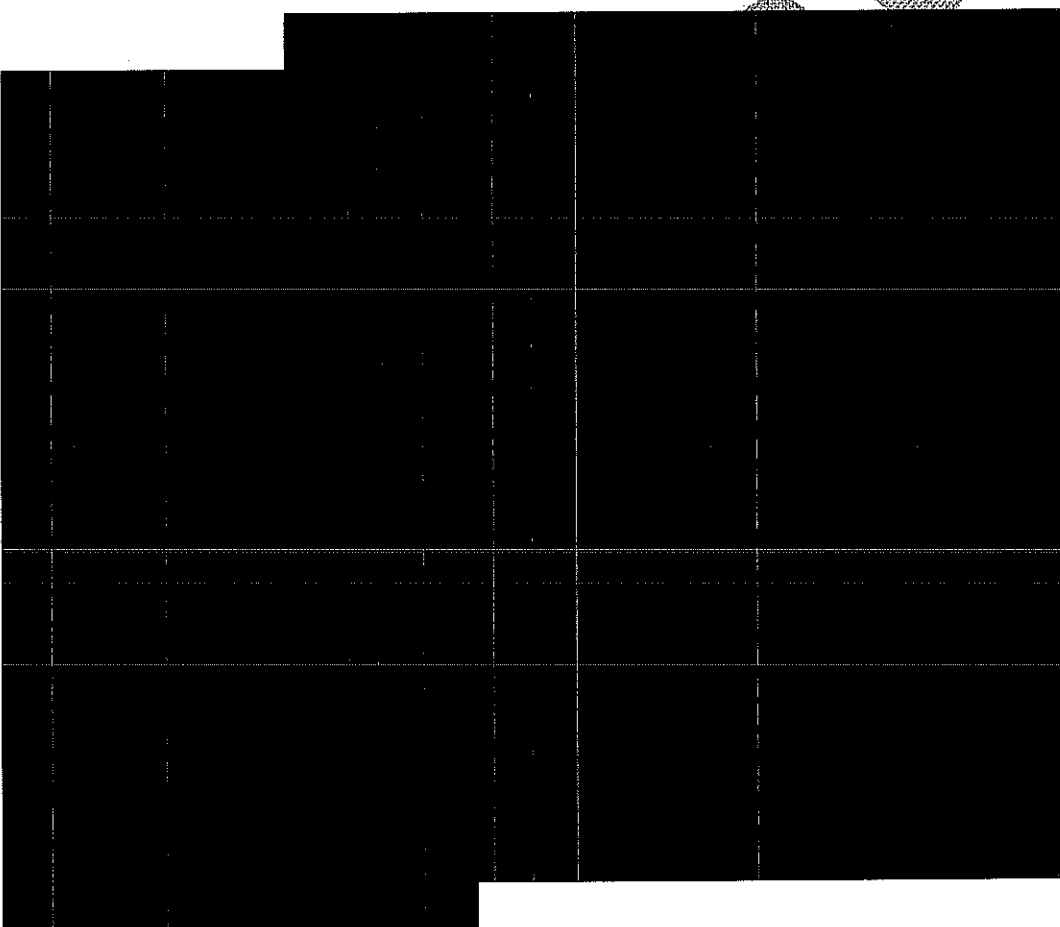
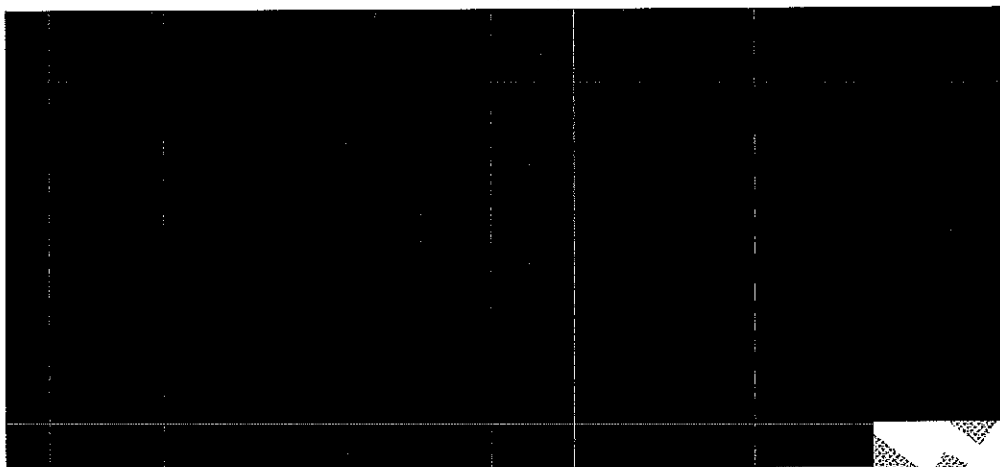
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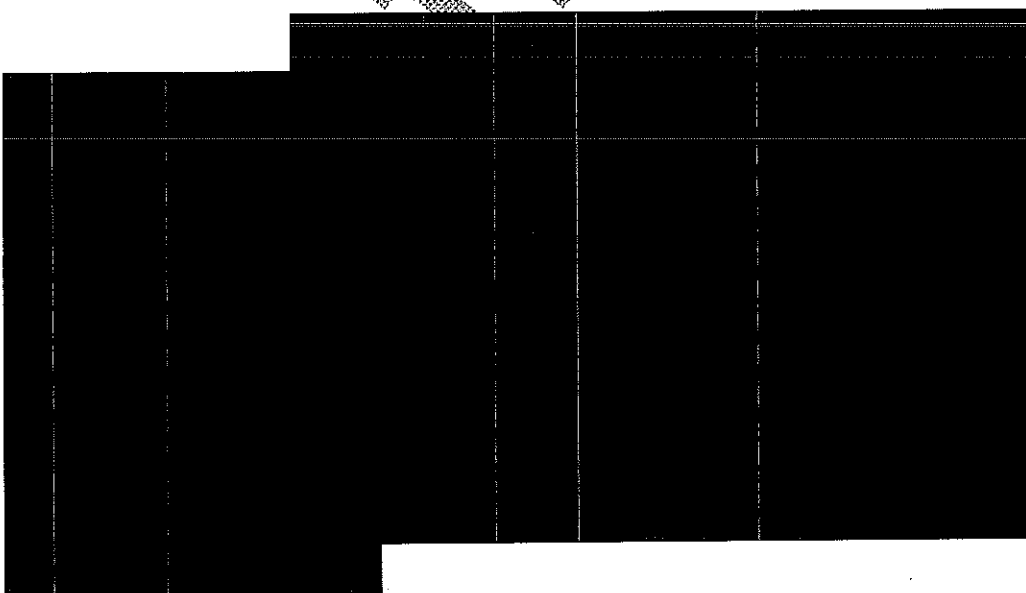
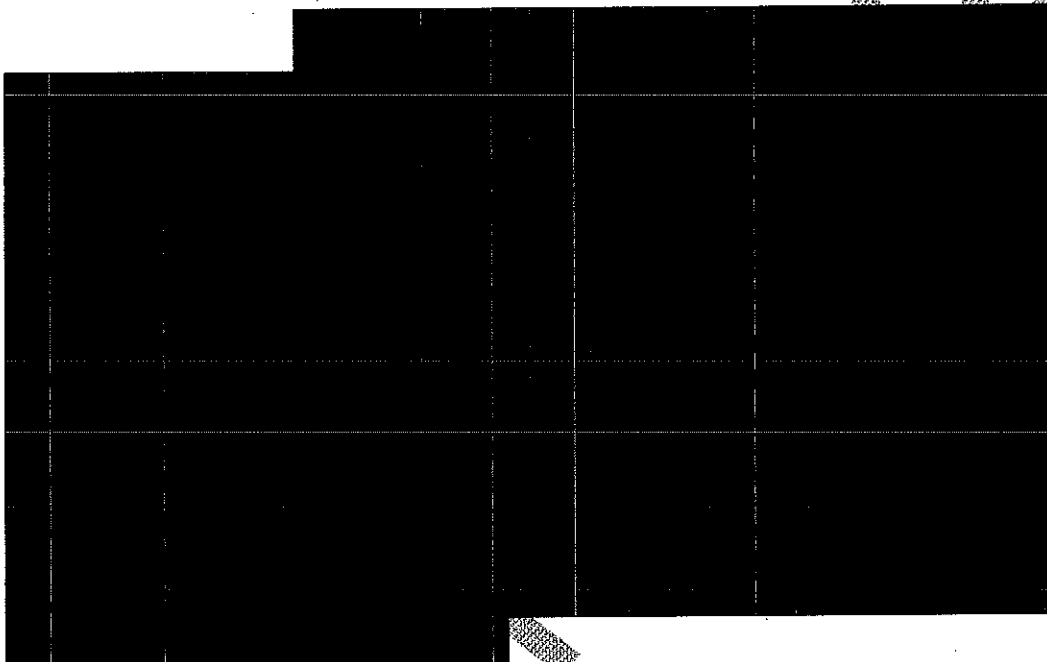
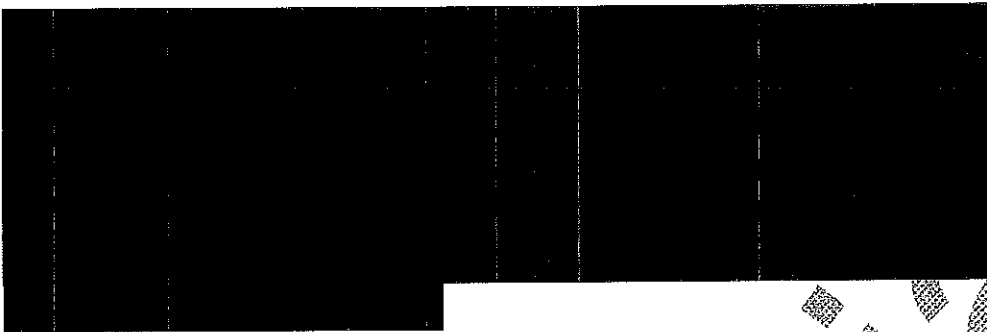
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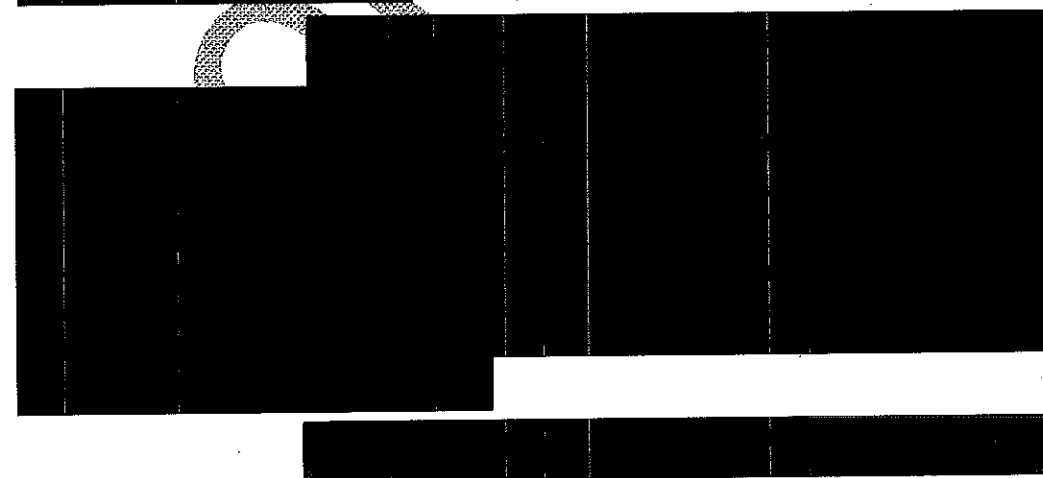
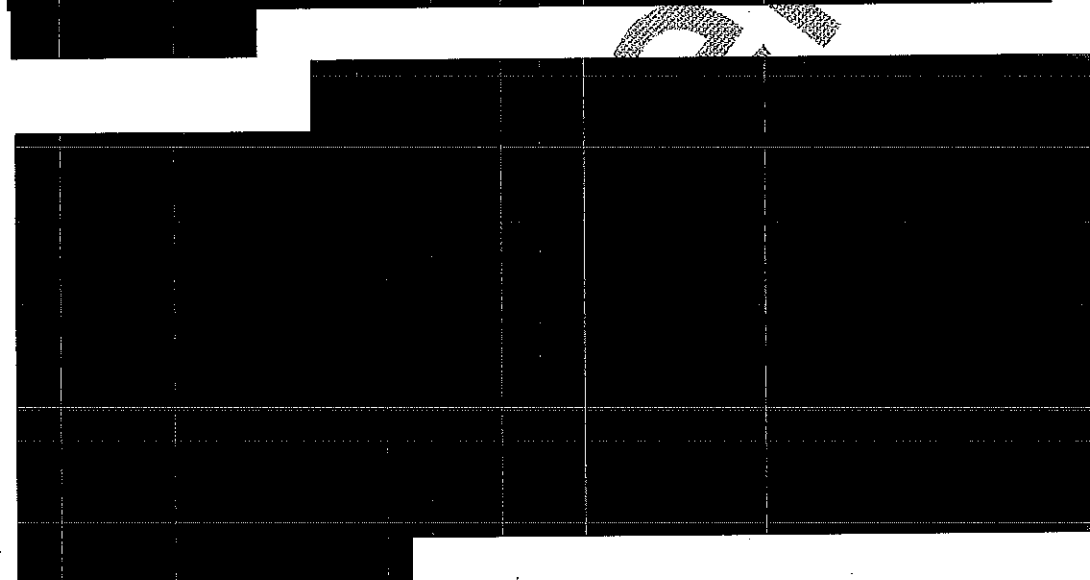
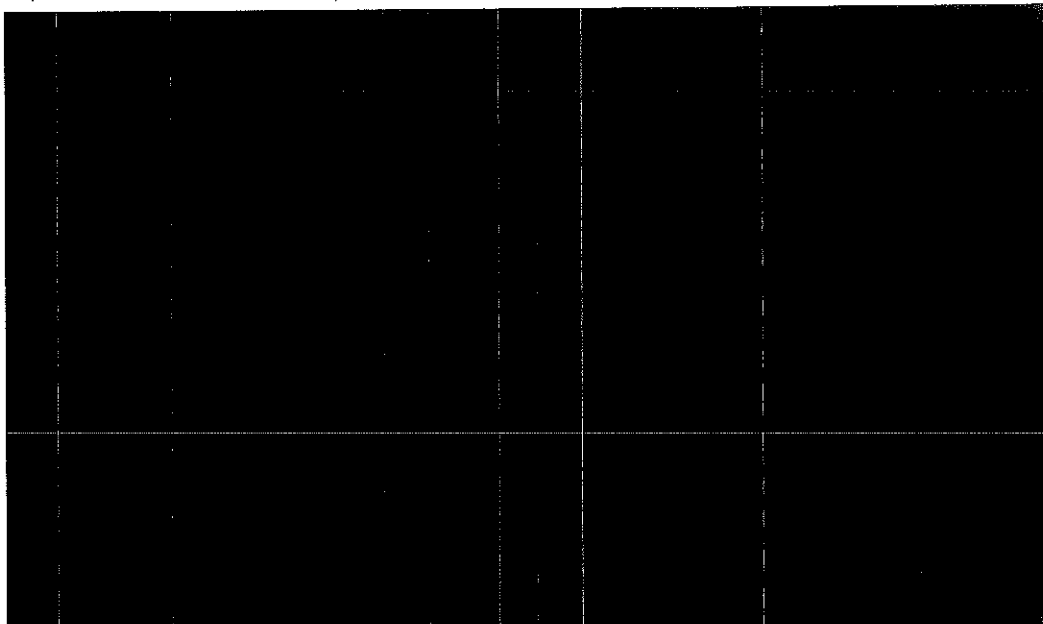
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MR. FARRELL:

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MR. MONTANCE:

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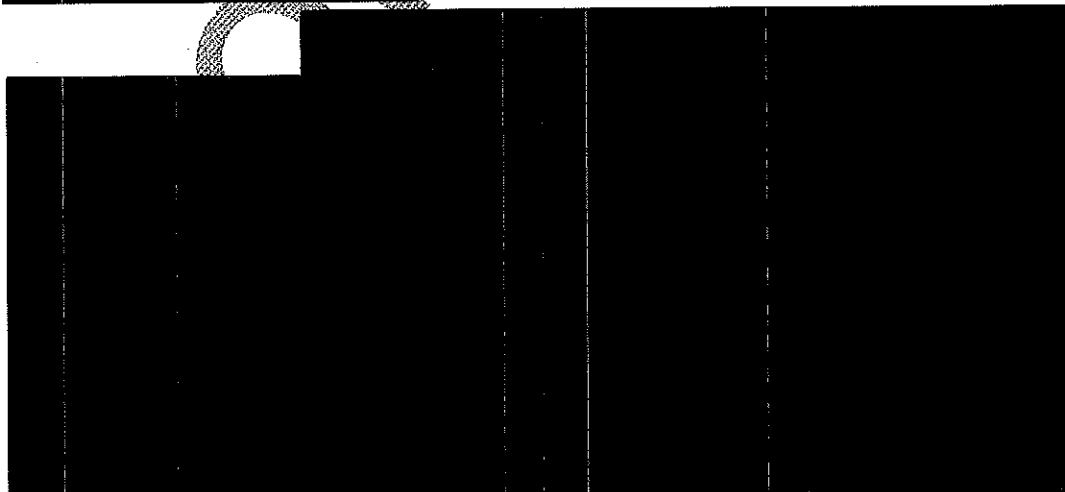
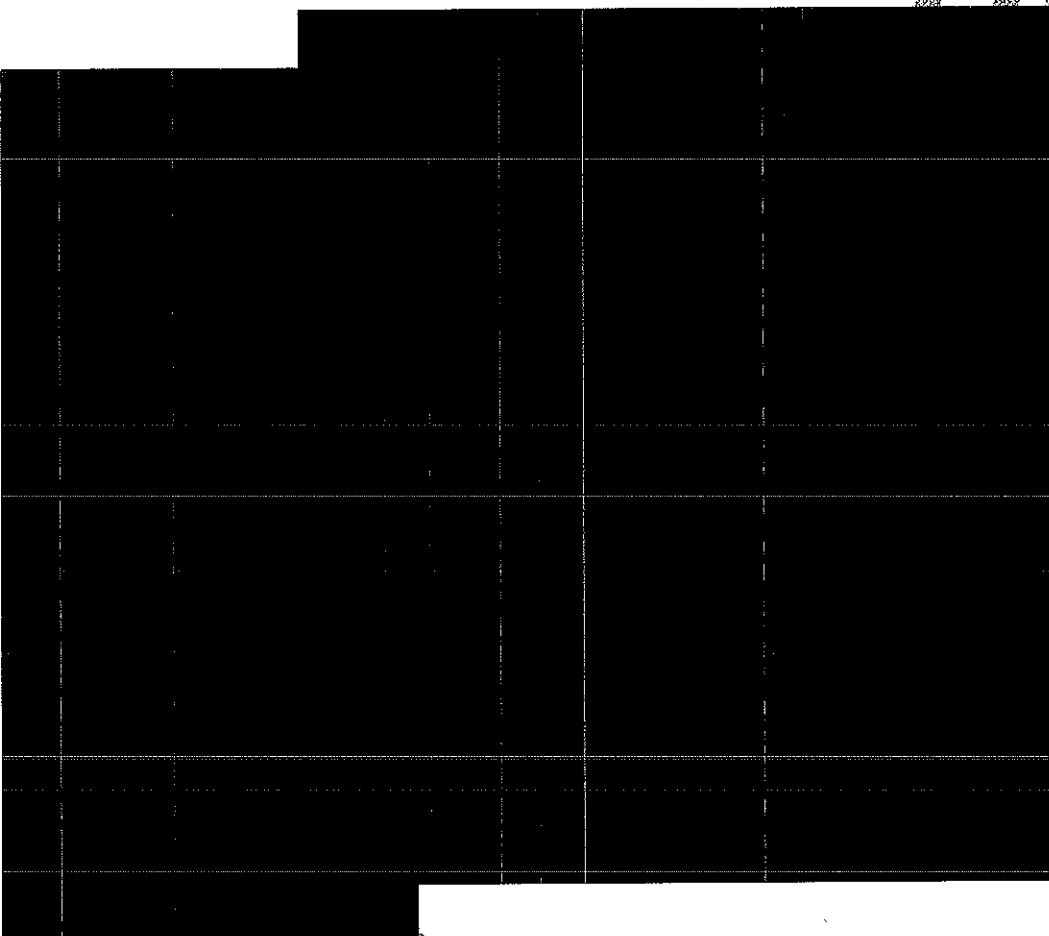
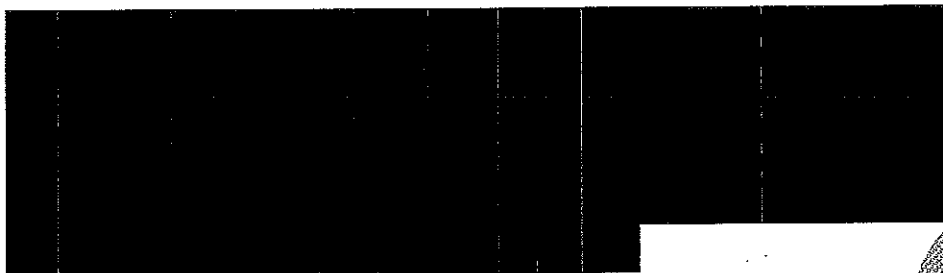
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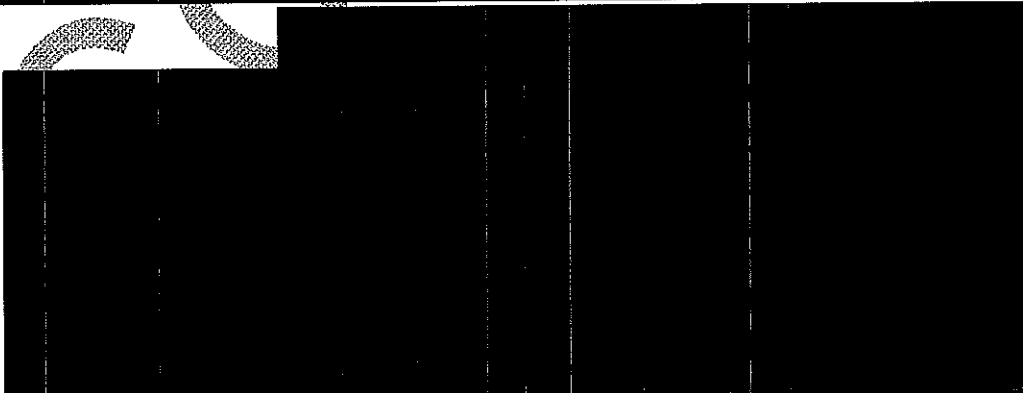
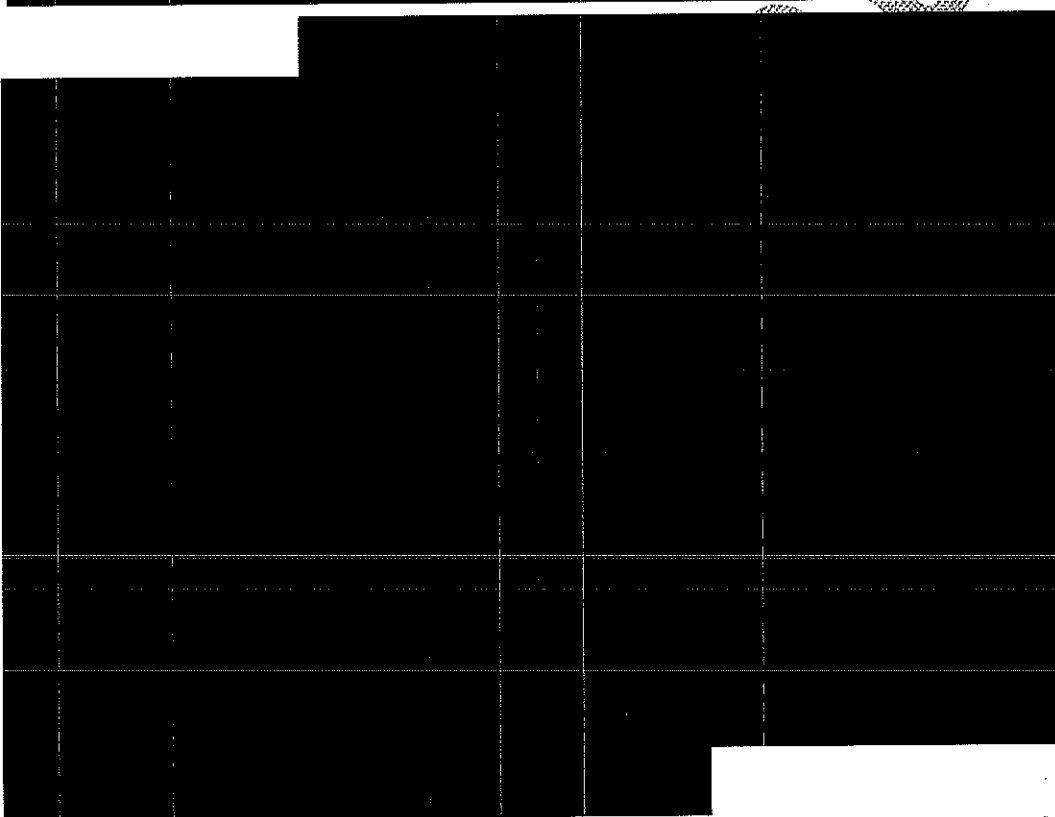
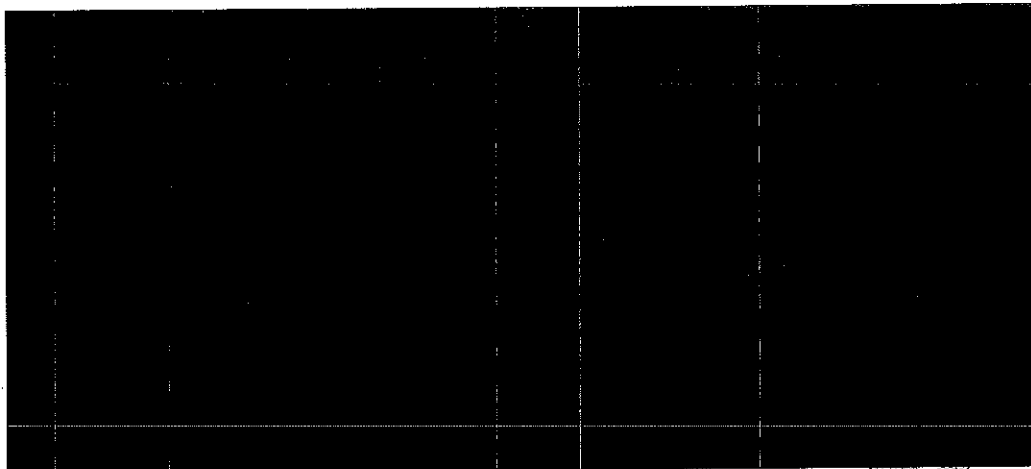
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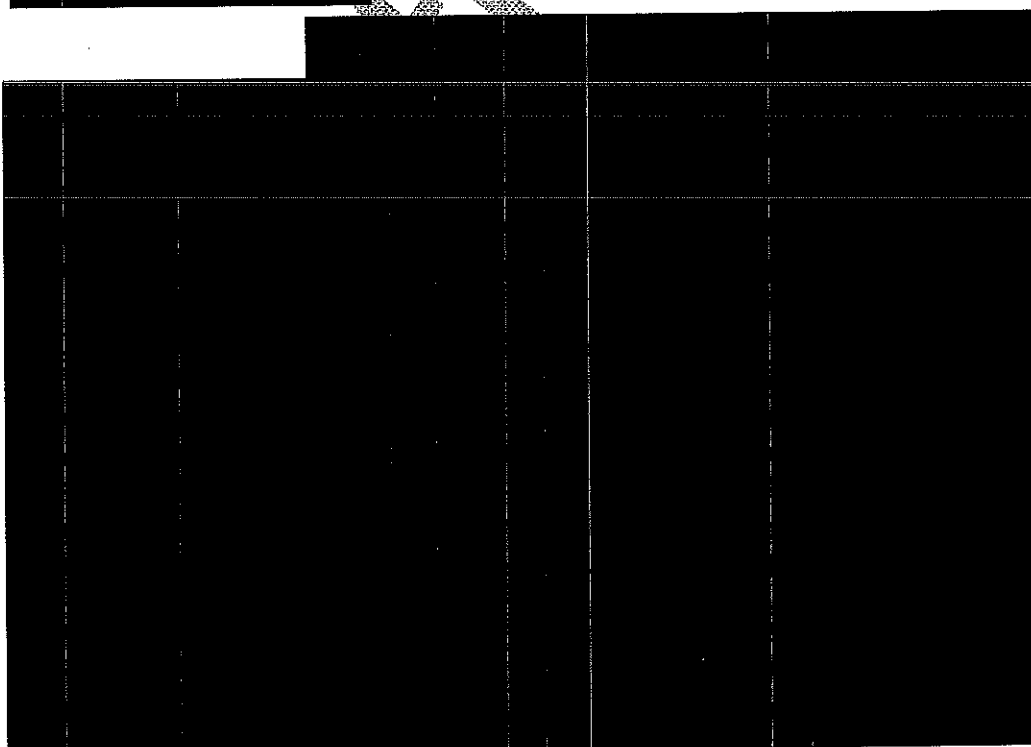
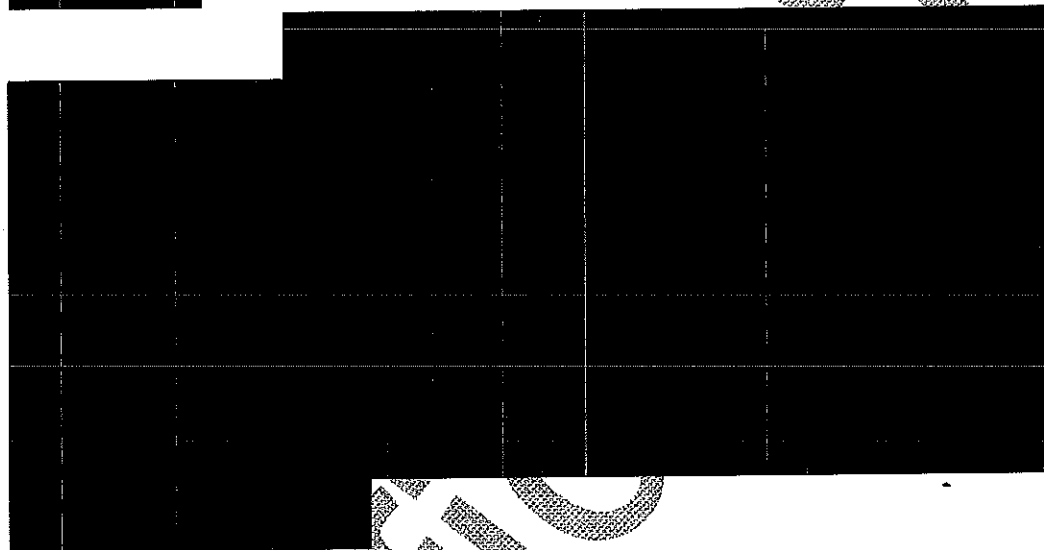
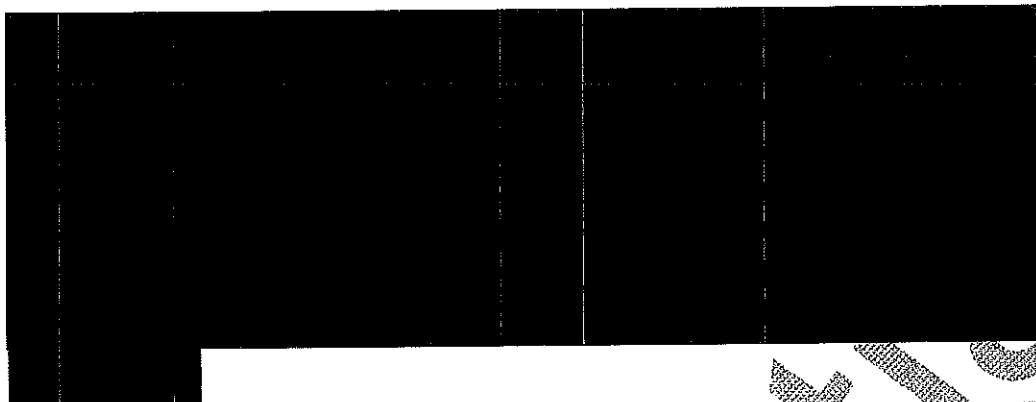
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1 [REDACTED]
2 MR. FARRELL: Charles, with all that
3 being said, let's open it up to the Council for
4 questions.

5 MR. BOGGIANO: I would like to ask
6 first how much does it cost us, the taxpayers, since
7 2006?

8 MR. FARRELL: That's a really hard
9 number for us to put together. I will try to put
10 something together for you.

11 MR. BOGGIANO: I want to ask another
12 question. Who has been paying bills for this group
13 Downtown to fight this?

14 MR. FARRELL: The litigation is
15 financed primarily through the monies bonded to
16 realize the vision of a open space.

17 MR. BOGGIANO: You are telling me no
18 City money has been used?

19 MR. FULOP: No, that's City money.
20 This has gone through four -- three mayors, just to
21 put it in -- and three City Councils, Cunningham,
22 Harvey Smith, Jerry Healy. And everybody has kind
23 of found it prudent to move forward, despite these
24 same questions that have come up.

25 We were very close to a settlement

1 three years ago --

2 MR. MONTANGE: Yeah, several times

3 MR. FULOP: -- but -- we bonded --

4 was it two years ago or three years ago?

5 MR. MONTANGE: Two years ago.

6 MR. FULOP:



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And what I have

indicated, at least, is saying that whereas two

years ago we were ready to -- we put \$7 million that

we bonded for that we've said -- we have won the

1 last two court cases, right? [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

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MR. FARRELL: To litigate.

7

MR. FULOP: -- in order to

8

litigation.

9

MR. BOGGIANO: You know --

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MR. LAVARRO: Councilperson Coleman.

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MR. BOGGIANO: I'm not finished with

12

questions yet.

13

MR. LAVARRO: In fairness, she was

14

trying to get her questions in.

15

MS. COLEMAN: I raised my hand, and

16

you started talking. I follow the rules. Raise

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your hand. But you finish.

18

MR. BOGGIANO: I look at this this

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way: You are picking this up. It's going to cost

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us a fortune to maintain. It's contaminated land,

21

and we can't even take care of Pershing Field.

22

Can't take care of Van Weganen Park. Can't take

23

care of all the other parks in the City. Now we are

24

going to spend all this money on this entities? I

25

think it's ridiculous. It's been going on for

1 years.

2 I was also told by couple Council
3 people that when the opportunity came back in 2006,
4 the City Council did not want to buy it because it
5 was too much money at that time. Now, you know --

6 MR. FULOP: I would just say that if
7 that's the logic, that we can't take care of
8 something, so to take that -- because you believe
9 that we can't take care of something we should just
10 give a gift to Steve Hyman, well, we are gifting a
11 \$3 million property he has acquired with a value of
12 50 to --

13 MR. BOGGIANO: I would like to --

14 MR. LAVARRO: Which we are entitled
15 to. It's our property.

16 MR. FULOP: So you're giving him a
17 gift.

18 MR. BOGGIANO: It's worth nothing.

19 MR. FULOP: What are you saying; we
20 are basically giving Hyman --

21 MR. BOGGIANO: I don't want to give
22 Hyman anything. I don't care who it is.

23 MR. FULOP: Well, the developer, you
24 know him. He says you know him.

25 MR. BOGGIANO: What, are you going to

1 put the bridges back, rebuild them? It's going to
2 be a horror show. We can't take care of what we
3 have right now. I can't see getting involved
4 spending money on anything else right now.

5 MR. FARRELL: Guys, I think this
6 conversation is valuable; but we only have a limited
7 amount of time with our attorney, so I would love to
8 have --

9 MR. BOGGIANO: Are you part of --
10 were you from Newark Avenue?

11 MR. CURLEY: Yes.

12 MR. BOGGIANO: Jack Curley of Leviss
13 & Leviss?

14 MR. CURLEY: Yes.

15 MR. LAVARRO: Councilperson Coleman.

16 MR. COLEMAN: My question is: What
17 is the recommendation here? In other words, do
18 we -- the recommendation is for us to take the
19 property and then sell it or take the property and
20 develop it or -- what is the recommendation.

21 MR. FULOP: Can I -- the original
22 plan was -- with the settlement was that we would
23 take the five properties, okay, and that the first
24 one on the settlement would go to the developer.
25 And to think about the value, we would have zoned

1 that one for four 500 units. From his standpoint,
2 that one parcel would have compensated enough for
3 everything. That's how valuable you are talking
4 about the land is what you're talking about here.

5 The Embankment Coalition out there
6 was comfortable with that proposal. They were
7 willing at the time to say, You could take that one
8 piece of property; the other five will be open.

9 So, look, I'm just -- I would defer
10 to Jeremy and Chaz on -- I don't know how I feel
11 about the freight and all that and all the legal
12 stuff; but to walk away from literally 12 years
13 of -- of work, I mean, we are so far down the road
14 at this point and winning now, I mean, what choice
15 do we have. You know?

16 MR. FARRELL: I would add to that
17 answer that the idea is still to create some sort of
18 open space and to create a preserved line, which
19 could be for use for trails all the way out,
20 hopefully out to green space.

21 But what the Mayor highlights, which
22 is important, is a lot of money is going to be
23 involved in making that happen. There is also
24 embedded in this property value. So we could
25 preserve a line and still bring some of the value

1 out of one of these blocks to resell to a developer
2 to pay for all the rest of it, as long as we
3 maintain an easement so that the trails continue
4 through that property.

5 So there is options here, but the
6 idea is still to preserve an open space along that
7 line.

8 MR. FULOP: Bob Cotter came in front
9 of the Council probably four years ago and made a
10 very, very compelling argument about the
11 right-of-way and that these don't surface every so
12 often. So even if you want to believe what Rich
13 says, that we don't take care of our parks, well,
14 even if you want to believe what he says -- and you
15 said -- wait a second. I want to figure --

16 MR. BOGGIANO: Just take a look.

17 MR. FULOP: Let's say that's true.
18 Nobody is it advocating today to put a dollar into
19 building the park today okay. Like -- but it would
20 be foolish not to preserve the option, right? You
21 don't have to do anything. Nobody is going up there
22 cleaning today, cutting the weeds today. Nobody is
23 doing anything. So you could acquire the property
24 valued 50 to a hundred million dollars; and you are
25 leaving the City with an asset, when all of us are

1 one in four, eight, 12 years. Maybe another Council
2 could say, "We have the money today." But if you
3 don't make the decision today to actually try and
4 protect that, you're giving a gift to Steve Hyman, a
5 50 to a hundred million dollar property for
6 \$3 million.

7 MR. FARRELL: Candice has a question.

8 MR. LAVARRO: I'm sorry, Candice.

9 MS. OSBORNE: I completely agree with
10 you. We are a City. We are growing. We are not
11 getting more space. This is it. And to -- to give
12 it up would be foolish. And I'm sure when Roosevelt
13 said we need to have national park space and need to
14 preserve areas like had been happening all across
15 the United States, I am sure there are people that
16 said, "We don't have the money for it." But it is a
17 once-in-a-lifetime chance. I don't think we should
18 give it away.

19 MR. FULOP: There is \$3 million still
20 earmarked that Senator Menendez, then Congressman
21 Menendez, has sitting there for us to draw on
22 when -- when we acquire it. That is their -- you
23 would be walking away from that, as well. That is
24 earmarked money in Washington for this property.

25 MR. FARRELL: There is actually also

1 Green Acres money that is about to expire but is
2 currently still available for us for this project

3 MR. LAVARRO: Councilperson Coleman,
4 then Yun.

5 MS. COLEMAN: My last question was I
6 heard it in the -- that at some point in time the
7 settlement was going to pay a certain amount.
8 ConRail was going to pay a certain amount and that
9 amount was to represent making the -- the owner
10 whole. Is that correct? But they changed that now
11 since that time?

12 MR. FARRELL: Yes.

13 MR. MONTANGE: [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 MS. COLEMAN: All of a sudden they --

23 MR. MONTANGE: [REDACTED]

24 MR. FARRELL: I want to bring it in

25 [REDACTED]

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[REDACTED]

MS. OSBORNE:

[REDACTED]

MS. WATTERMAN:

[REDACTED]

MR. FARRELL:

[REDACTED]

[REDACTED]

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12 And that -- there are real costs
13 associated with doing all this. And I think it's
14 important as a body you understand the scope that
15 we're taking on and weighs of the pros and cons.
16 That's why this discussion is valuable, because
17 while there is that cost, we have to also remember
18 the benefits of, one, preserving of the green space,
19 two, preserving of a line into a major urban
20 environment, which, if we do give up, we'll never
21 get back because to build this line they had to
22 condemn people's homes and tear down homes. You
23 know, so once we -- once we give up the line, homes
24 are going to go back there; and no one is going to
25 want to do that again, tear down all those homes to

1 create a line.

2 And then the final thing you have to
3 remember is that this is very valuable land. And so
4 if we had to buy this land today to even make a park
5 or to make a school or do anything, we could never
6 afford to buy it today because of the value of that
7 land. So this is a once in a -- in a City's life's
8 opportunity to preserve something pretty special.

9 Those are the balances that we have
10 to decide on Wednesday. And it's for you to make
11 your choice. But I wanted to put it in the right
12 context for you.

13 MR. LAVARRO: Councilman Yun.

14 MR. YUN: First, thank you for your
15 good job, really.

16 MR. MONTANGE: I wish it had happened
17 sooner.

18 MR. YUN: Thank you for good job.
19 But now my concern is that this is a great deal as a
20 business -- you know, yes, we going to have some
21 land; but my concern is that City of Jersey City
22 have put effort to provide rail service at least two
23 years all to do that. What kind of -- we talking
24 about dollar amount, what kind of cost? That is the
25 key.

1 MR. MONTANGE: It's a fair question,
2 and I can only give you some preliminary numbers.
3 We're working on that. And, in fact, there will be
4 a meeting tomorrow to get a little bit better feel
5 for it. And I have a recommendation for you on
6 this. I can give you some actual concrete numbers.
7 If you were to put a transload in on the National
8 Docks line -- that would be right underneath the
9 freeway, essentially back behind those ball fields,
10 removed away from people -- it would cost 175,000
11 roughly. That is the estimate I have gotten to put
12 the switch in.

13 It's about \$125 per linear foot for
14 good quality track. So you figure roughly \$300,000
15 when we total up the track and the switch, just to
16 put that amount back, \$300,000. Engineering and
17 overhead, maybe another 50. And if you wanted to
18 make a fancier facility, then you add some more to
19 that. But you're around 300 to 400,000 minimum for
20 a five-car transload, where they can park five cars
21 out running in there, take it out on the Harsimus
22 branch right there at National Docks, fairly
23 removed.

24 MR. FULOP: I have a question.

25 MR. MONTANGE: Yeah.

1 MR. FULOP: The OFA would have a
2 freight line coming down the embankment basically,
3 is that what --

4 MR. MONTANGE: No, no. The advantage
5 of the embankment property is it crosses over what's
6 called National Docks. So it intersects National
7 Docks at grade level. There is an aerial structure
8 that went up, and that goes up to CP Waldo. But the
9 cheapest way to get a functional transload onto
10 the --

11 MR. FULOP: Come into --

12 MR. COTTER: Back of cemetery on
13 Brook Avenue, around the back.

14 MR. FULOP: By the historic cemetery?

15 MR. COTTER: Behind it.

16 MR. KAKOLESKI: By Jewel Electric.

17 MR. MONTANGE: Actually, the old CP
18 Waldo, that is where the trains went in, behind the
19 cemetery up -- up there.

20 MR. FULOP: I see.

21 MR. MONTANGE: Then came down this
22 trestle, then down to the embankment. But
23 underneath the embankment, in a sense, underneath
24 the freeway, back up right against that line, that
25 bluff where the Palisades are, there is a operating

1 line of railroad tucked in there called the National
2 Docks Secondary. That's in-use line of railroad
3 today. And, in fact, ConRail has -- wants to
4 upgrade service on it. So it's not an abandonment
5 candidate by any means.

6 (Whereupon, Mr. Byrne enters the
7 closed caucus.)

8 MR. BYRNE: I know we are still in a
9 closed session. It's filling up rather well
10 outside. I just wanted to let everyone know it's
11 about five after 6.

12 MR. FARRELL: Understood.

13 (Whereupon, Mr. Byrne leaves the
14 closed caucus.)

15 MR. FARRELL: I mean, this is the
16 more important issue for us to resolve today. So
17 are there any other really important questions for
18 counsel on this?

19 MR. BOGGIANO: You said 300,000 to
20 run a rail line?

21 MR. FARRELL: To build the transload.

22 MR. MONTANGE: Build a transload, not
23 run a rail line. Build a transload under the
24 freeway.

25 MR. FARRELL: Those are capital

1 costs.

2 MR. MONTANGE: There may be other
3 places in the City that are under the control of the
4 City that you can also locate a transload. [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 MR. LAVARRO: Candice.

16 MS. OSBORNE: Just to -- I understand
17 what you're asking, but I also to a degree feel like
18 it's not really [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 MR. FARRELL: So to be clear, what
25 the legislation is is to authorize the application

1 to STB.

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8 MS. WATTERMAN: But we have to be
9 ready, though.

10 MR. FARRELL: You have to be ready.

11 MR. MONTANCE:

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15 MS. OSBORNE: Gotcha.

16 MR. MONTANCE:

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21 MR. FARRELL: Anything else of real
22 importance? Because I don't want to hold up the
23 caucus meeting and we have more issue to discuss.

24 Anything else?

25 Mayor? Anything else?

1 President?

2 MR. LAVARRO: Let's move along.

3 MR. FARRELL: Thank you,

4 Mr. Montange.

5 We are going to go right into the
6 next topic because we only have about five minutes
7 to do it.

8 MS. COLEMAN: Can I just -- we are
9 voting for the authorization to submit the
10 application --

11 MR. FARRELL: That's right.

12 MS. COLEMAN: -- is that what we're
13 voting for?

14 MR. FULOP: It's a resolution, not an
15 ordinance.

16 MR. FARRELL: It's an ordinance
17 because there is an expense associated with it.

18 Mike, if you can just ask Robert
19 Byrne to come back in.

20 MR. MONTANGE: And if you want to get
21 in touch with me, these guys know my telephone
22 number.

23 MS. COLEMAN: Can Chico come back in
24 now?

25 MR. FARRELL: Yeah, he can come back

1 in. He is with Robert.

2 So this one we are going to move as
3 quickly as possible. But I want to remind the
4 Council that we initiated this lawsuit and we just
5 got the actual written opinion from the judge today,
6 so we're still absorbing.

7 (Whereupon, Mr. Byrne and Councilman
8 Ramchal enter the closed caucus.)

9 MR. BYRNE: Go right into Bright and
10 Varick. Okay. We are now doing -- we are now
11 having a closed caucus about Bright and Varick.

12 Good afternoon, Mayor.

13 MR. FULOP: Hey.

14 MR. BYRNE: We have Councilman
15 Ramchal back in the room. At 6:07.

16 MR. FARRELL: I would add --

17 MR. BYRNE: We have Mayor Fulop. Did
18 we have anyone besides our special guests before
19 during my absence?

20 MR. FARRELL: Mayor Fulop joined, and
21 I put it on the record.

22 MR. BYRNE: Besides Mr. Fulop?

23 MR. FARRELL: No. Now we also have
24 the planners in the room now for this discussion.

25 MR. BYRNE: Sure.

1 MR. FARRELL: Okay.

2 MR. LAVARRO: Jeff Wenger and Maryann
3 Bucci-Carter.

4 MS. JEFFREY: I will try to make this
5 quick, as quickly as I can.

6 In 2012 there is a very small parcel
7 of land on the corner of Bright and Varick in Van
8 Vorst that was being used. It was an empty lot.
9 It's still an empty lot. It was being used by the
10 school. It was -- the City sold the property to the
11 agency, the JCRA. The JCRA then designated a
12 developer for that site. And afterwards there were
13 proposed development to the redevelopment plan.

14 Prior to the proposed changes to the
15 redevelopment plan the zoning for that area was R-1,
16 which restricted -- it's a historic area. But this
17 was a tiny little parcel of land that was sort of in
18 an island in the middle of a historic district. But
19 the zoning was restricted to one and two-family
20 homes and some commercial uses.

21 The developer had a plan to build
22 what was called a "micro-unit" project. He was
23 going to build a five-story building with 85 to 87
24 units, about 350 square feet, small, almost like
25 efficiency apartments. And his vision was that

1 recently graduated students would come there and
2 would purchase these units or rent them and live
3 there in lieu of renting two and three-bedroom
4 apartments other places in the City.

5 The changes to the redevelopment plan
6 changed -- there is some controversy about whether
7 or not -- what the zoning was after these changes to
8 the redevelopment plan, but most agree that it
9 was -- many people didn't understand that the
10 changes to the redevelopment plan would have
11 resulted in increase in density that would have
12 permitted a project of this size or of this nature.

13 In August of 2013 the developer
14 submitted his site plan. And at that point the
15 residents of Van Vorst realized that this project
16 was being proposed, and they became very upset.
17 Their concern is that a micro-unit project
18 could essentially give way and turn into an SRO with
19 transients, that it would tend to compromise or
20 jeopardize the integrity of the neighborhood. That
21 is their position.

22 A set of events occurred in which the
23 application was going through the planning process,
24 and there is a question at -- the law says, NJSA
25 40:55-46A and 10- -- .3 -- I am saying this for the

1 record -- stipulate that once an application is
2 deemed complete it has to be -- the Planning Board
3 has to make a decision on that application within a
4 certain period of time.

5 When, if ever, this application was
6 deemed complete was at issue. What was also at
7 issue is what was the underlying density for this
8 area. The City argued that the density in the
9 redevelopment plan was ambiguous and it was not
10 possible to tell what the density was. And in
11 January of 2000 -- 2014 Anthony Cruz, in his
12 capacity as the chief zoning officer, denied the
13 application, site -- stating that the density was
14 too ambiguous and it needed to go before the Zoning
15 Board for determination whether -- as to what the
16 density was.

17 Meanwhile, the site plan -- there was
18 an e-mail in October from the planners that said the
19 site plan was substantially complete. Not complete
20 but substantially complete.

21 Thereafter, the developer submitted
22 revised architectural plans which changed the
23 address -- it changed the nature of the project. It
24 stripped the project of the amenities. And Planning
25 determined at that point that it required new agent

1 review.

2 There was a hearing that was
3 scheduled for December 17th; but Planning said
4 because there are new architectural plans, we are
5 going to postpone the hearing until March. The
6 developer, instead of waiting to March to have a
7 hearing before the Planning Board, filed action in
8 lieu of prerogative writ.

9 MS. COLEMAN: What?

10 MR. FARRELL: A lawsuit.

11 MS. JEFFREY: Sorry. Lawsuit. It is
12 a lawsuit saying the government is not doing the
13 right thing and we want to force the government to
14 do the right thing. So the lawsuit basically said
15 Cruz had no right to refuse our application on
16 density, the density is clear; and because the
17 Planning Board didn't render a decision in December
18 and didn't hold -- our site plan is deemed
19 automatically approved.

20 The court -- the long and short of it
21 is the court agreed with the developer and ruled in
22 the developer's favor. The application was deemed
23 automatically approved.

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 I am going through this very quickly.

17 You are nodding, so --

18 MR. FULOP: We lost. Can I say
19 anecdotally just two things on this?

20 MR. FARRELL: Yeah.

21 MR. FULOP: [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

[REDACTED]

We spent how much money on this now?

MR. FARRELL: The Planning Board attorney has cost us about 25,000, a little bit more, to pursue this matter.

[REDACTED]

MR. FULOP: So I -- this is just anecdotally. Maybe you could --

MR. FARRELL: I'll --

MR. FULOP:

[REDACTED]

MR. FARRELL:

MR. FULOP:

[REDACTED]

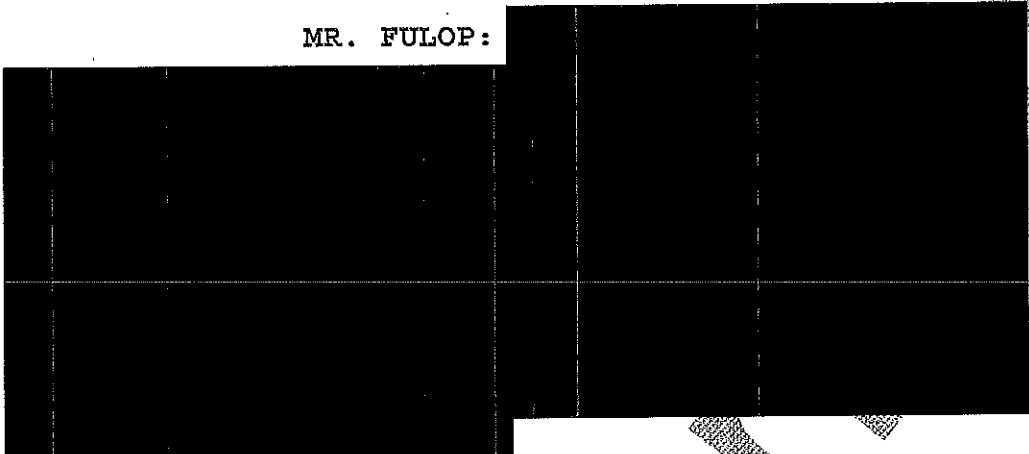
MR. FARRELL: That's correct.

MR. FULOP: But that doesn't change

1 the overall picture.

2 MR. FARRELL: That's right.

3 MR. FULOP:



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21 MR. FARRELL:



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MR. LAVARRO: Councilperson Coleman.

MS. COLEMAN: My question is: Can
you -- what do you, Corporate Counsel, recommend?

[REDACTED]

Are we voting on

something that's --

MR. FARRELL: No, today you are not voting on anything -- sorry, Wednesday. You are not voting on anything right now. This is a discussion. And it was asked for because of the community people that have been reaching out to these members.

MS. COLEMAN: Right.

MR. FARRELL: And people didn't know exactly what happened or where we are.

MS. COLEMAN: So what does Corporate Counsel recommend?

MR. FARRELL:

[REDACTED]

[REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 MR. LAVARRO: Councilperson.

7 MS. COLEMAN: My last question is:

8 The plans that we saw as a Council and discussion
9 of, Candice and I, we looked at they have a lot of
10 great amenities to go with it. Even though the
11 community didn't like the project because it was
12 micro-units, it had a lot of amenities, like study
13 room, study -- gym and things on the outside. Now,
14 from my understanding, they resubmitted something
15 and now other plans have been approved. So my
16 question is: The approved plans don't include all
17 of those things?

18 MR. FARRELL:
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 MS. COLEMAN:

1 MR. FARRELL: [REDACTED]

2 [REDACTED]

3 MS. COLEMAN: Okay.

4 MR. FARRELL: [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 MS. COLEMAN: [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 MR. FARRELL: In the first instance?

11 MS. COLEMAN: Yeah.

12 MR. FARRELL: Understood.

13 MR. LAVARRO: [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR. FARRELL: [REDACTED]

17 MR. LAVARRO: [REDACTED]

18 MR. FARRELL: Yes.

19 MR. LAVARRO: -- if it's necessary to
20 do that.

21 MS. COLEMAN: Thanks, Rolando.

22 MS. OSBORNE: [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR. FARRELL: Yeah, I did see that.

[REDACTED]

One other point I want you to understand about the contract of sale too is the JCRA sold the property to the developer, but the developer hasn't actually paid for it yet. Those deeds are being held in escrow. So there is -- there hasn't been a closing on that sale.

[REDACTED]

[REDACTED]

[REDACTED]

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MS. COLEMAN: What was already done.

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MR. FARRELL:

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MS. WATTERMAN:

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MR. FARRELL:

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Anything else?

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MR. LAVARRO: Council --

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MS. COLEMAN: I didn't hear.

16

MR. LAVARRO: Sorry. Frank.

17

MR. GAJEWSKI: Just a quick question.

18

What are the restrictions on discussing anything

19

that went on in closed session?

20

MR. FARRELL: That is a great

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question. So this -- both issues were discussed in

22

closed session. It's being discussed in closed

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session under the attorney-client privilege,

24

exception to the Open Public Meetings Act. You, as

25

members of the Board, are part of our what's called

1 "attorney-client group." And so to protect the
2 information that was discussed here you guys have to
3 preserve that. You can't discuss this with anybody
4 outside of this group.

5 At some point in time these minutes
6 will become public, and at that point in time you
7 will be free to discuss them with anybody. If you
8 do get some questions from folks, you can answer
9 their questions; you just can't provide them any
10 information you learned about in this meeting here
11 today.

12 MR. RAMCHAL: Frank, that's why I
13 recused myself.

14 MR. LAVARRO: Which is pretty much
15 nothing.

16 MS. OSBORNE: I am just going to
17 say -- yeah, because I have learned kind of a lot
18 here today that I didn't know.

19 MS. COLEMAN: What did you say?

20 MS. OSBORNE: I learned a lot today
21 that I didn't know. I kind of know what they know
22 until I walked in here, so I'm --

23 MR. FARRELL: It's complicated.

24 MS. OSBORNE: Can't figure out how I
25 should respond other than Jeremy.

1 MR. FARRELL: I know. Councilwoman,
2 I am going to get right to your question; but one
3 point I want to raise is tomorrow -- Wednesday, when
4 we go into Council and consider the OFA application,
5 you guys should feel free to make whatever comments
6 you feel you want to make on the record, but you
7 should preserve our attorney-client privilege in
8 this room.

9 MR. RAMCHAL: Right here.

10 MR. FARRELL:

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Okay?

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MR. BOGGIANO:

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MR. FARRELL:

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1 [REDACTED]
2 [REDACTED]

3 MS. OSBORNE: This is our attorney.

4 He is on our side. We hired him. It's not like one
5 side -- he is on our side.

6 MR. RAMCHAL: Check with you -- come
7 to you or e-mail?

8 MR. FARRELL: Call me on my cell.

9 All right. Guys, we really should
10 get to our caucus. We are half a meeting late.

11 MR. LAVARRO: What is our action,
12 Robert?

13 MR. BYRNE: We have a motion to
14 adjourn?

15 MR. RAMCHAL: Motion.

16 MS. COLEMAN: Second.

17 MR. BYRNE: Ramchal, seconded by
18 Councilwoman Coleman. By acclamation, say good
19 night.

20 (Whereupon, the proceeding is
21 concluded at 6:25 p.m.)
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C E R T I F I C A T E

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I, TRACEY R. SZCZUBELEK, a Certified Court
Reporter and Notary Public of the State of New
Jersey, do hereby certify that the foregoing is
a true and accurate transcript of the
stenographic notes as taken by and before me, on
the date and place hereinbefore set forth.

Tracey R. Szczubelek, C.C.R.

TRACEY R. SZCZUBELEK, C.C.R.

LICENSE NO. XIO1983

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.186

TITLE: 3.N DEC 16 2015 4.J JAN 13 2016

Ordinance authorizing the City of Jersey City to file an Offer of Financial Assistance (OFA) to acquire certain property collectively known as the Sixth Street Embankment from Conrail and such other Conrail properties as are necessary to connect with the main line in the vicinity of CP Waldo.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 5-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABS ENT		
RAMCHAL		✓		OSBORNE	ABS ENT			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H. 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

DON WILSON
YVONNE BALCEK
CALEN WASHINGTON
JERRY JACOBSON
STEPHEN GUCCIANNO

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 6-3											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL		✓		OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 16 2015
Adopted on second and final reading after hearing on JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 13 2016
Robert Byrne, City Clerk
Robert Byrne, City Clerk

*Amendment(s).

APPROVED: Rolando R. Lavarro, Jr., Council President
Date JAN 13 2016

APPROVED: Steven M. Fulop, Mayor
Date JAN 15 2016

Date to Mayor JAN 14 2016

City Clerk File No. Ord. 15.187

Agenda No. 3.0 1st Reading

Agenda No. 4.K 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.187

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF
JERSEY CITY ADOPTING THE OCEAN AVENUE SOUTH
REDEVELOPMENT PLAN**

WHEREAS, the Municipal Council seeks renewed investment and development within the redevelopment area; and

WHEREAS, the following amendment removes the redevelopment plan area from the R-1 Zone District and creates a new "Ocean Avenue South Redevelopment Plan" to guide development; and

WHEREAS, the attached Ocean Avenue South Redevelopment Plan has been reviewed by the Jersey City Planning Board at its meeting of November 10, 2015; and

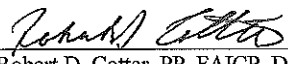
WHEREAS, the Planning Board voted favorably to recommend adoption of the Ocean Avenue South Redevelopment Plan by the Municipal Council; and

WHEREAS, a copy of the Ocean Avenue South Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the Offices of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the attached Ocean Avenue South Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Robert D. Cotter, PP, FAICP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM

APPROVED: 

APPROVED: _____

Corporation Counsel

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution/ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution/ordinance.

Full Title of Ordinance/Resolution**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING THE OCEAN AVENUE SOUTH REDEVELOPMENT PLAN****Initiator**

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
	Matt Ward, AICP	Senior Planner
Phone/email	201-547-5010	bobbyc@jcnj.org / mward@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Purpose

This ordinance adopts the Ocean Avenue Redevelopment Plan. The Planning Board voted favorably to recommend adoption of the Plan. The Plan area straddles Ocean Avenue and is bounded by Cator Avenue at the North and Merritt Street and the South. There are 115 tax lots and 21 acres included in the Area. The area is currently zoned R-1 but operates and neighborhood commercial main street largely comprised of mixed-use buildings. The Plan will reinstate Neighborhood Mixed Use zoning. The Plan proposes three zones for the corridor - 1) Neighborhood Mixed Use Zone; 2) Historic Neighborhood Mixed Use Zone; and, 3) Future Development Zone.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

12-14-15

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE OCEAN AVENUE SOUTH REDEVELOPMENT PLAN

This ordinance adopts the Ocean Avenue Redevelopment Plan. The Planning Board voted favorably to recommend adoption of the Plan. The Plan area straddles Ocean Avenue and is bounded by Cator Avenue at the North and Merritt Street and the South. There are 115 tax lots and 21 acres included in the Area. The area is currently zoned R-1 but operates as a neighborhood commercial main street, largely comprised of mixed-use buildings. The Plan will reinstate Neighborhood Mixed Use zoning. The Plan proposes three zones for the corridor: 1) Neighborhood Mixed Use Zone; 2) Historic Neighborhood Mixed Use Zone; and, 3) Future Development Zone. The council included floor changes to the Community Notice Requirements before introduction.

OCEAN AVENUE SOUTH Redevelopment Plan

As recommended by Planning Board on November 10, 2015

And including floor changes by Council on December 16, 2015

Text to be removed is shown in strikethrough ~~like this~~.

Text to be added is shown in bold, italics, and underlined ***like this.***



30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

INTRODUCTION

The Ocean Avenue South Redevelopment Plan contains 21 acres and 115 individual parcels stretching from Merritt Street to Cator Avenue along Ocean Avenue. The land use of the corridor is mainly 3-story mixed use but also includes: one- and two-family residential, a senior housing high rise, light industrial, religious assembly, a live poultry market, an auto mechanic, and mid-rise apartment buildings.

In 1974 retail and other storefront type uses were prohibited from Ocean Avenue and other smaller commercial corridors throughout Jersey City. These zoning changes were designed to bolster suffering business districts by refocusing commercial activity to key corridors by rezoning smaller corridors for residential. This strategy forced Ocean Avenue to operate with zoning that didn't match land uses. In late 2014, with the support of Ward A Councilman Gajewski, the South Greenville Neighborhood Association expressed a desire to improve the corridor and re-designate the corridor for neighborhood commercial uses to match the historic uses common in the neighborhood.

Jersey City has experienced renewed population growth and a growing economy, bringing new life to Jersey City's neighborhood commercial streets. The Ocean Avenue South corridor has many unique features that make it a viable candidate for a return to commercial and mixed use zoning. In 2000, New Jersey Transit began light rail service to the Danforth Avenue Station only a few blocks from Ocean Avenue. It is one of the few commercial areas in South Greenville. There are several historically significant buildings and storefronts. There are three high-rise residential buildings in the vicinity ranging from 11 to 13 stories, one of which is within the redevelopment area. There is also a NJ Transit bus terminus providing excellent bus service to the area as well. The Ocean Avenue South corridor can therefore support increased population density with reduced parking ratios that will support retail growth along the corridor.

The purpose of the Ocean Avenue South Redevelopment Plan is to foster the redevelopment and rehabilitation of Ocean Avenue by providing land use regulations tailored to existing land uses as well as existing social, economic and historic fabric in order to return Ocean Avenue South to a flourishing main street and neighborhood destination.

I) BOUNDARIES

The Ocean Avenue South Redevelopment Plan contains nearly 14 acres of real property and 115 individual parcels stretching from Merritt Street to Cator Avenue along Ocean Avenue. The northern end of the corridor is bound by Bayview Cemetery and PS 20 school.

II) TRANSPORTATION

A) Existing Infrastructure

In 2001, New Jersey Transit began light rail service to the Danforth Avenue Station only a few blocks from Ocean Avenue. There is also a NJ Transit bus terminus providing

excellent bus service to and from the area as well. South of the redevelopment area, Route 440 is accessible from Avenue C and the nearest entrance/exit to the Turnpike Extension/I-78 is 14A.

B) Future Infrastructure Goals:

1. As the corridor develops, it is envisioned that a SID or another entity shall access a fee to charge land owners, residents and developers to establish local shuttle or bus service to enhance access to rail stations and ferry stops.
2. It is envisioned that an additional Hudson-Bergen Light Rail station be studied and developed at the eastern end of Gates Avenue to improve transit access.

III) REDEVELOPMENT PLAN OBJECTIVES

Renewal activities for the Ocean Avenue South plan area will be undertaken in conformity with, and will be designed to meet, the following objectives of the Redevelopment Plan:

1. Re-establish Ocean Avenue South as a neighborhood commercial corridor and neighborhood destination.
2. Establish a Special Improvement District (SID) to assist business owners and maintain the commercial corridor.
3. Improve access to rail and ferry services.
4. Make sustainability and smart growth a theme of future development and redevelopment that guides land use and transportation decisions.
5. Make walking and biking an easy, safe, desirable, and convenient mode of transport.
6. Encourage unique local quality retail sales and services that promote community character and distinctiveness.
7. Reduce automobile dependency by encouraging high density development in close proximity to mass transit and neighborhood services with low automobile parking ratios and with bicycle parking requirements.
8. Provide for urban amenities such as transit, open space, and entertainment that will attract new employers and a range of new residents to the area while sustaining existing neighborhoods.
9. Provide for a wide variety of housing types, sizes, and price points that meet the needs of Jersey City's diverse population.
10. Encourage the adaptive reuse of existing structures.
11. Encourage buildings to meet or exceed the US Green Building Council's LEED (Leadership in Energy and Environmental Design) Certification or equivalent.
12. The removal or rehabilitation of vacated, deteriorated and obsolete structures.
13. The overall improvement of traffic circulation through the development of new and improved vehicular and pedestrian circulation systems which provide for separation of vehicular and pedestrian traffic and the maximum use of public transportation.
14. To promote balanced development in accordance with applicable State laws and City requirements regarding affordable housing.
15. Creation of new employment, housing, educational, recreational, commercial and retail opportunities for the residents of Jersey City.
16. Coordinate redevelopment activities to provide a uniform and consistent attack on blighted, dilapidated, and obsolete structures within the Area.

17. Leverage new transit facilities such as light rail to accommodate housing and employment needs.
18. Establish minimum stormwater management requirements and controls for development in order to reduce pollution from municipal sewer systems, direct discharges to surface waters, and combined sewer overflows, and to reduce flooding and erosion, enhance groundwater recharge, and promote rainwater harvesting.
19. Reflect the goals and objectives of the New Jersey Municipal Land Use Law (M.L.U.L.).

IV) GENERAL ADMINISTRATIVE PROVISIONS

- A) No building shall be constructed over public rights-of-way in the project area with the exception of freestanding structures ancillary to public plazas and/or pedestrian walkways, which shall be subject to review by the Planning Board.
- B) Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements to the Area shall be submitted by the developer to the Planning Board of the City of Jersey City for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases.
- C) As part of any site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the Jersey City Corporation Counsel. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of on and off site improvements within one (1) year of final site plan approval.
- D) No use or reuse shall be permitted, which, when conducted under proper safeguards, will produce corrosive, toxic or noxious fume, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration (60 decibels), or other objectionable features so as to be detrimental to the public health, safety or general welfare.
- E) All residential redevelopment proposals and construction plans shall meet or exceed applicable FHA and building code minimum room size requirements prior to approval by the Planning Board.
- F) Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this plan and the Land Development Ordinance (LDO) of Jersey City. A maximum shape factor may be listed to regulate minimum lot size. Shape factor is defined as the perimeter of the lot squared, divided by the lot area.

$$\frac{\text{Perimeter}^2}{\text{Lot area}} = \text{Shape Factor}$$

- 1) Example of how to calculate a shape factor for a standard 25' by 100' rectangular lot:

$$\frac{(25+25+100+100)^2}{2,500} = 25$$

- G) Upon demolition of existing structures, the site shall be graded and planted or sodded, with a durable dust free surface in the interim period prior to construction of new buildings.

H) DEVIATION REQUESTS

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. Deviations from the required retail use as per Section VII shall be considered a design waiver, cognizable by the Planning Board. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

No deviations may be granted which will result in permitting:

- 1) A use or principal structure in a district which does not permit such use or principal structure;
- 2) An expansion of a non-conforming use;
- 3) An increase in height of more than ten feet or 10% of the height in feet, whichever is less.
- 4) An increase in the permitted floor area ratio;
- 5) An increase in the parking ratio of more than 10% above the maximum permitted;
- 6) Right-of-way width, and pavement width beyond normal adjustments encountered during survey synchronization;
- 7) Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented;
- 8) Deviation from the Impact Fees provisions set forth in this Plan; or
- 9) Non-compliance with the specific goals and objectives enumerated in the Plan.
- 10) Planning Board may grant deviations from the required land use regulations in section VII to further the goals and objectives of this plan.

Any deviation in the above categories or any other deviation that would otherwise constitute a "d" type variance or deviation constitutes a request for a legislative plan amendment cognizable only by the Governing Body. The Jersey City Zoning Board of Adjustment's powers are strictly limited to "a" and "b" appeals (N.J.S.A. 40:53D-70A&B).

- I) Redevelopment shall provide adequate water, sewer and other necessary utilities to the site, to the satisfaction of the Municipal Engineer and the Municipal Utility Authority. All costs necessary for infrastructure improvements associated with a development project, off-site as well as on-site, are the responsibility of the developer or redeveloper.

- J) This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. A fee of \$1,000.00 plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request by a private entity to amend this plan. The City of Jersey City reserves the right to amend this plan.
- K) Interim uses may be established, subject to agreements between the developers and the Planning Board, that such use will not have an adverse effect upon existing or contemplated development during the interim use period. Interim uses may include surface parking provided there is no ingress or egress onto Ocean Avenue itself. Interim uses must be approved by the Planning Board, which may establish an interim use period of between one (1) year and three (3) years in duration, subject to the Planning Board's discretion. Additional renewals of an interim use may be granted by the Planning Board, subject to the same interim period limitations specified above.
- V) NEIGHBORHOOD NOTICE REQUIREMENTS:
- A) The Ward Councilperson(s) representing the Ward(s) within this redevelopment plan shall designate a single **any number of** neighborhood organizations, community groups, SID, or other associations to be designated for receiving notice of development applications. The Ward councilperson(s) shall send a memo to the Planning Board secretary informing the Planning Board of the designation. The designation shall be in effect until superseded by another memo. In the event councilpersons cannot agree on a single association(s), the council president shall decide.
- B) The designated association(s) shall maintain registration, hold elections and file bylaws with the City of Jersey City.
- C) The designated association(s) shall provide a designated agent with an email, address, and telephone number to the Division of City Planning. It shall be the responsibility of the designated association(s) to maintain current contact information with the Division of City Planning.
- D) Within five (5) business days of filing an application for development with the Division of City Planning, all applicants must provide (via hand delivery, US Mail, or commercial delivery service) a copy of the application, along with all associated documents including architectural drawings, to the designated agent of the designated association. The applicant must submit an affidavit certifying notice to the designated association(s) to the Division of City Planning.
- E) Failure to complete the required notice pursuant to this section shall deem an application incomplete.
- F) Upon receipt of notice of an application submittal, the designated association(s) shall have 14 21 calendar days to review plans and submit any comments to the Planning Board.
- G) The designated association shall receive a copy of Planning Board agendas from the Division of City Planning.
- H) These requirements may be waived by the Planning Board for a specific redevelopment project if the designated association has submitted to the Planning Board, in writing, its approval of that project.
- I) No hearing for a development application shall be delayed due to lack of existence of a designated association, or due to failure of an agent of the designated association to register current contact information with the Division of City Planning.

VI) OTHER PROVISIONS NECESSARY TO MEET REQUIREMENTS OF STATE AND LOCAL LAWS

- A) The Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1 et seq. requires that a Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:
- 1) This Redevelopment Plan achieves the stated objectives of the Jersey City Master Plan by locating high density development in close proximity to mass transit facilities with low parking ratios to reduce the traffic impact of future high density development. Other uses such as retail and office uses compatible with a mixed use transit oriented station area are permitted.
 - 2) This Redevelopment Plan provides for a list of permitted principal uses, as well as accessory uses and prohibited uses in the redevelopment area. The plan also provides for density restriction through the use of lots sizes, maximum height limits, as well as setback and stepback requirements and various design controls.
 - 3) There will be no displacement of existing residents through the implementation of this plan through condemnation, as this is an area in need of rehabilitation and condemnation is not permitted. Any condemnation action already commenced by the Jersey City Redevelopment Agency may continue. The condemnation of easements in areas previously declared in need of redevelopment may be pursued by the Jersey City Redevelopment Agency.
 - 4) The Ocean Avenue South Plan proposes no new acquisition or condemnation of private property for private redevelopment purposes, however the condemnation of easements in areas previously declared in need of redevelopment may be pursued by the Jersey City Redevelopment Agency.
 - 5) Jersey City is designated as a "Planning Area 1" in the State Plan and is at the center of the Hudson County "urban complex." The development envisioned by this plan is in conformity with the "State Planning Act" P.L. 1985, c. 398 (C.52:18A-196 et al) as well as the master plan of Hudson County and all contiguous municipalities.
 - 6) No affordable units are identified to be removed as part of the implementation of this redevelopment plan.

VII) REQUIRED LAND USE REGULATIONS

- A) Retail and/or other permitted active storefront type uses, which activate the adjacent sidewalk, are required along Ocean Avenue. Active storefront type uses include, but not limited to, retail, storefronts, building lobbies, art galleries, bars and restaurants.
- 1) Retail uses shall occupy a minimum of 25% of the ground floor.
- B) Ground floor residential is only permitted if necessary to meet the requirements of the Americans with Disabilities Act, there is no elevator access, and provided the following conditions are met:
- 1) Must be situated behind the retail use.
 - 2) The building must maintain a minimum of 25% of ground floor area for retail space at the front of the building.
 - 3) The building must incorporate a cellar not less than 600 square feet or 50 percent of the building's footprint, whichever is greater, to provide storage space for the retail use and for the location of trash rooms, mechanical rooms, meters or other

infrastructure needs of the building so as to maximize available retail space at the ground floor level. Additional space may be allocated to residential tenants.

Renovation of existing structures at the time of adoption of this redevelopment plan shall be exempt from this cellar requirement.

- C) Affordable Housing Requirements: Buildings more than 4 stories shall provide moderate income affordable housing according to the following:
- 1) The developer shall dedicate 5% of all residential units constructed above the 4th floor as affordable housing available to households at or below 80% of Area Median Income (AMI) as promulgated by the U.S. Department of Housing and Urban Development for a period of 30 years or the duration of an approved tax abatement, whichever is less; or,
 - 2) In lieu of constructing and dedicating 5% of all residential units above the 4th floor as required in paragraph 1), all required affordable units may be satisfied through a contribution to the Jersey City Affordable Housing Trust Fund at a rate of \$100,000 per required affordable housing unit.
 - 3) Zone 2 is exempt from the affordable housing requirements of Section VII.C.

VIII) SPECIFIC LAND USE REGULATIONS

A) ZONE 1: Neighborhood Mixed Use

- 1) The purpose of this zone is to continue the existing pattern of main street type commercial buildings and retail uses along Ocean Avenue while providing for efficient modern new construction and increased density.
- 2) Permitted Uses:
 - a) Residential above the ground floor (see VII.B for exception)
 - b) Retail Sales of Goods and Services/Financial Services.
 - c) Offices.
 - d) Restaurants: category one and two.
 - e) Medical Offices.
 - f) Child and Adult Day Care Centers.
 - g) Cafes and Bars.
 - h) Art galleries.
 - i) Community or black box theaters.
 - j) Artist studio workspaces.
 - k) Community facilities/centers.
 - l) Business incubators.
 - m) Health clubs.
 - n) Any combination of the above.
 - o) Movie theater only on Block 28204 Lot 24 (the former Cameo Theater)
- 3) Accessory Uses:
 - a) Structured parking and loading.
 - b) Enclosed surface parking.
 - c) Landscape features.
 - d) Improved Open Space.
 - e) Signs.
 - f) Sidewalk Cafe: where sidewalk width permits.

- 4) Prohibited Uses:
 - a) Surface parking as a principal use.
 - b) Drive-throughs pertaining to restaurants, banks, pharmacies, and other drive-through uses.
 - c) Gas stations, service stations, auto repair, auto body shops, and other automobile related uses (not including car share programs).
 - d) Night Clubs and Bars.
 - e) Billboards.
- 5) Lot Size and Dimension Requirements
 - a) All existing lots at the time of adoption of this plan are conforming lots but may not be reduced in size.
 - b) All lots must have frontage on Ocean Avenue. Any lots currently existing that do not have frontage on Ocean Avenue but are in common ownership with a lot fronting on Ocean Avenue must be consolidated.
 - c) Subdivisions or lot consolidations must conform to the following minimum standards:
 - i) Minimum lot area: 2,500 square feet.
 - ii) Minimum lot width: 25 feet.
 - iii) Minimum lot depth: 100 feet.
 - iv) Shape Factor Maximum: 26.
- 6) Density and Height Requirements:
 - a) Density is not regulated by floor area ratio or units per acre in this zone. Instead, a "building envelope" is defined, depending on the size and shape of the site. Minimum room and unit sizes are regulated by building code.
 - b) Minimum floor-to-ceiling height on the ground floor shall be at least 10 feet, but no more than 14 feet, excepting drop ceilings in kitchens, bathrooms, corridors, and other similar spaces. Alternately, the ground floor floor-to-ceiling height may match adjacent historic structures.
 - c) Minimum floor-to-ceiling height for upper floors shall be at least 9 feet, excepting drop ceilings in kitchens, bathrooms, corridors, and other similar spaces.
 - d) Maximum and minimum building height shall be calculated based on the lot size according to the following table provided the required standards in the table are met:

Lot Area up to (square feet):	Minimum Building Height (stories)/(feet)	Maximum Building Height (stories)/(feet)
0 to 3,999	2 / 25'	4 / 45'
4,000 to 8,999	3 / 35'	5 / 55'
9,000 to 19,999	4 / 45'	6 / 65'
20,000 and up	4 / 45'	8 / 85'

Table 1: Graduated Density Table for Zone 1

- e) Parking levels shall not extend above the floor height of the 4th floor of the building.
- 7) Yard and Coverage Requirements:
 - a) Required front yard setback shall be sufficient to provide a minimum sidewalk width as measured from the ground floor building facade to the existing curb-line calculated

by the height of the building according to the following table provided the required standards in the table are met:

Building Height	Minimum Sidewalk Width
6 Stories or less	10 feet
7 to 8 Stories	15 feet

Table 2: Front yard setback table for Zone 1

- b) Required side yard setback: Zero feet within 10 feet of a right-of-way except where required by fire or building code to accommodate adjacent windows. A maximum of a 4-foot gangway or side yard is permitted on one side to extend to the street.
- c) Rear yard and building setbacks:
 - i) Ground floor level shall not extend greater than 95 feet from any right-of-way fronting the subject property.
 - ii) Ground floor level where residential is provided in the ground floor (according to Section VII.B) shall not extend greater than 90 feet from any right-of-way fronting the subject property.
 - iii) All floor levels above the ground floor shall not extend greater than 70 feet from any right-of-way fronting the subject property.
 - iv) All floor levels above the ground floor where parking is provided shall not extend greater than 95 feet from any right-of-way fronting the subject property.
 - v) For through lots, the ground floor level may cover 100% of the lot with no yards provided.
- 8) Automobile Parking Requirements:
 - a) Curb cuts are prohibited on Ocean Avenue.
 - b) Parking is prohibited on any lots that have sole frontage on Ocean Avenue.
 - c) Curb cuts are only permitted to gain access to off-street parking facilities with a minimum of 6 parking spaces.
 - d) All off street parking areas including structured parking shall be screened from Ocean Avenue by another permitted use within a building with an average depth of at least 15 feet.
 - e) Parking is required on lots greater than 9,000 square feet, according to the following:
 - i) Residential uses shall provide a minimum of 0.5 off-street parking spaces per dwelling unit, exempting studio and one bedroom residential units in structures greater than 5 stories.
 - ii) Office and other commercial uses shall provide a minimum of 0.5 off-street parking spaces per 1,000 square feet of gross floor area, excluding the first 5,000 square feet of ground floor area.
 - iii) Retail and restaurant uses shall provide a minimum of 0.5 off-street parking spaces per 1,000 square feet of gross floor area, excluding the 5,000 square feet of ground floor area.
 - f) Parking may be provided on corner lots and/or through lots less than 8,999 square feet, according to the following:
 - i) Residential uses shall provide a maximum of 1.5 off-street parking spaces per dwelling unit.

- ii) Office and other commercial uses shall provide a maximum of 1.5 off-street parking spaces per 2,000 square feet of gross floor area.
- iii) Retail and restaurant uses shall provide a maximum of 1.5 off-street parking spaces per 2,000 square feet of gross floor area.

B) ZONE 2: Historic Neighborhood Mixed Use

- 1) Although many early buildings have been razed along the corridor, much remains to give us an idea of the area's development: socially, economically, architecturally, historically and culturally. These buildings and the streetscapes they form give the area a unique sense of place not experienced elsewhere in the city.

Previous development, most recently, was sometimes undertaken without examination and appreciation of past cultural and architectural development. This plan seeks to preserve important resources which help to define the unique character of the Greenville area. This Zone shall preserve a wide variety of buildings characteristic of the area's varied development.

The properties that have been selected for the Historic Neighborhood Mixed Use Zone have, paraphrasing the National Register Criteria for Evaluation:

- A. Been associated with events that have made significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

To respect the special character that the Greenville area has acquired and retained during its history, the buildings included in this Historic Neighborhood Mixed Use Zone shall be rehabilitated in accordance with the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties* so that future generations can continue to be delighted by the history and architecture of the Greenville Neighborhood.

- 2) Permitted Uses:
 - a) Residential above the ground floor (see VII.B for exception), or where legal units at the time of adoption of this ordinance exist and/or historic evidence of ground floor residential use is provided.
 - b) Retail Sales of Goods and Services/Financial Services at ground floor.
 - c) Offices.
 - d) Restaurants: category one and two.
 - e) Medical Offices.
 - f) Child and Adult Day Care Centers.

- g) ~~Cafe and Bars.~~
 - h) Art galleries.
 - i) Community or black box theaters.
 - j) Artist studio workspaces.
 - k) Community facilities/centers.
 - l) Business incubators.
 - m) Health clubs.
 - n) Any combination of the above.
 - o) Houses of Worship and associated uses only on Block 29404 Lot 10, Block 28701 Lot 30, and Block 29403, Lot 1.
- 3) Accessory Uses:
- a) Structured parking and loading.
 - b) Surface parking.
 - c) Fences and seating walls.
 - d) Landscape features.
 - e) Improved Open Space.
 - f) Signs.
 - g) Sidewalk Cafe: where sidewalk width permits.
- 4) Prohibited Uses:
- a) Surface parking as a principal use.
 - b) Drive-throughs pertaining to restaurants, banks, pharmacies, and any and all other drive-through uses.
 - c) Gas stations, service stations, auto repair, auto body shops, and other automobile related uses (not including car share programs).
 - d) Night Clubs and Bars.
 - e) Billboards.
- 5) Lot Size and Dimension Requirements:
- a) All existing lots at the time of adoption of this plan are conforming lots, and shall not be reduced in size. However, flag lots may be eliminated through acquisition of property by the adjacent owner. The creation of flag lots shall be prohibited.
 - b) All lots must have frontage on Ocean Avenue. Any lots currently existing that do not have frontage on Ocean Avenue but are in common ownership with a lot fronting on Ocean Avenue must be consolidated.
 - c) Subdivision is prohibited.
 - a) Exemption: Only Block 29305 Lot 18 (bank at Ocean Avenue and Lembeck Avenue) may be subdivided. Block 29305 Lot 18 is split zoned. The bank building is in the Historic Center Zone and the drive-through area is in the Neighborhood Mixed Use Zone. This exception is to encourage the removal of the drive-through window which is incongruous with the intent of the Historic Center zone.
- 6) Height and Bulk Requirements:
- a) The existing building height, floor area, established setbacks and the exterior building envelope as of the adoption of this Plan shall constitute the development standards of each building. Any change to the above standards shall constitute a deviation from this plan excepting additions as permitted by Sections VIII.B.6 b or c below and in the accordance with design requirements of Sections VIII.B.7.

- b) Minor alterations in site plan and façade characteristics may be permitted by the Planning Board provided such alterations are consistent with the standards for this zone. Any changes not consistent with this Plan are cognizable under a deviation application, and will be judged on their merits.
- c) Rear additions are permitted, provided that a written report by the City's Historic Preservation Officer is provided to the Jersey City Planning Board concurring that the addition is in conformance with the Secretary of the Interior's Standards for Rehabilitation and complies with the following bulk standards:
 - i) Maximum height: existing
 - ii) Maximum/minimum front yard: existing
 - iii) Maximum/Minimum side yard: as existing, except where required by fire or building code to accommodate adjacent windows
 - iv) Rear yard and building setbacks:
 - a. Ground floor level shall not extend greater than 95 feet from any right-of-way fronting the subject property.
 - b. Ground floor level where residential is provided in the ground floor (according to Section VII.B) shall not extend greater than 90 feet from any right-of-way fronting the subject property.
 - c. All floor levels above the ground floor shall not extend greater than 70 feet from any right-of-way fronting the subject property.
 - d. For through lots, the ground floor level may cover 100% of the lot with no yards provided.
- 7) Building Design Requirements:
 - a) Since original and historic building fabric gives integrity to the buildings within the Historic Center, all visible façades must retain historic building fabric. Architectural elements must be fully retained, preserved, restored, or recreated as necessary if the original has deteriorated beyond repair, based on site evidence, photographic evidence, or period documentation.
 - b) Any rehabilitation is to be done in compliance with the *Secretary of the Interiors Standards and Guidelines for the Treatment of Historic Properties*
- 8) Automobile Parking Requirements:
 - a) Off-street parking is prohibited in this zone.

C) ZONE 3: FUTURE DEVELOPMENT

- 1) The only permitted uses in this zone is for transportation uses, public housing or open space. It is desirable in the future to redevelop the existing New Jersey Transit and Jersey City Housing Authority sites for a variety of uses, including office, commercial and residential. Building heights, form, permitted uses and other requirements are to be determined as a future amendment to this redevelopment plan.

IX) DESIGN REQUIREMENTS FOR ALL ZONES

A) GENERAL REQUIREMENTS

- 1) All structures within the project area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air

- and usable open space, access to public rights-of-way and off-street parking, height, bulk, and street alignment.
- 2) All lots at the time of adoption of this plan are conforming lots for development.
 - 3) Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials and shall be encouraged to incorporate historic elements found throughout the surrounding area.
 - 4) Buildings shall be designed so as to have an attractive, finished appearance when viewed from all vantage points within and outside of the project area. Front façades, façades which are visible from a public right-of-way, and all façades that are significantly taller than adjacent buildings or are visible as part of the Ocean Avenue South skyline shall be treated with equal importance in material selection and architectural design.
 - 5) Large blank walls without fenestration surrounding large residential or commercial uses such as theatres, parking garages, big box retail, or similar uses must incorporate façade relief, an expressed structural system, sculpted, carved or penetrated wall surfaces, architectural lighting, or other architectural techniques to provide visual interest.
 - 6) Access by the elderly, physically handicapped and/or disabled shall meet barrier free design regulations as specified in the New Jersey and Federal ADA Standard Uniform Construction Code.
 - 7) All utility distribution lines, including multi-media telecommunication lines, and utility service connections from such lines to the project area's individual use shall be located underground.
 - 8) Roof deck enclosure and amenity space superseding language in the Jersey City Land Development Ordinance:
 - a) 20% or a minimum of 100 square feet of an ADA accessible roof deck area may be enclosed amenity space.
 - b) Enclosed roof deck amenity space must be a minimum of 10 feet from the edge of the roof or parapet, and be centered on the roof to minimize view of the enclosure to the greatest extent possible.
 - c) Enclosed roof deck amenity space may extend to the edge of a building with the minimum area necessary to gain access to an elevator or stair entry.
 - 9) Roof treatment, Mechanical Screening and Electrical Equipment
 - a) All mechanical equipment located on any roof of a building shall be screened from view from all vantage points, with a material complementary with the façade of the structure. The screening shall not resemble a utility or rooftop elevator or stair tower.
 - b) A roof plan must be developed and submitted for approval. Roof plans shall include mechanical equipment, trellises to obscure view, colored roof patterns and landscaping. Parking deck roofs shall be designed to maximize recreational amenity space and all remaining rooftop areas shall be developed as a green roof.
 - c) All electrical communication equipment shall be located in such a way that it does not negatively impact the appearance of the building nor create objectionable views as seen from surrounding structures.
 - d) Transformers and primary or and back-up generators shall be located interior to the building or vaulted underground within the pavement area of an adjacent

street. Location upon the sidewalk, between the sidewalk and the building, or anywhere outside at grade is not permitted.

- e) The placement of all new or reconstructed signal boxes is required to be below grade.

10) Streetscape

- a) All buildings shall be designed to front on a public street to create a street wall and a pedestrian environment at a human scale.
 - b) Main entrances into buildings shall be located on all public streets. Secondary entrances shall also be provided from parking areas and/or as necessary according to the design of the structure.
 - c) Entrances shall be designed to be attractive and functional. Indicators such as awning, changes in sidewalk paving material or other indicator consistent with the design, proportions, material and character of the surrounding area shall be provided.
 - d) Automobile parking between the building line and a public right-of-way is expressly prohibited, even where surface parking is a permitted use. Parking is not permitted in any front yard.
 - e) Porte-cocheres and drop-off lanes are prohibited.
- 11) All façade vents for air conditioning or heating units must be incorporated into the window design such that vent grills and windows appear as a single unit. This is best achieved by lining up vent grills with the vertical or horizontal edge of the adjacent window and matching the window's length or width or using a spandrel panel to fill any voids.
- 12) All new sidewalk concrete shall be tinted charcoal grey or equivalent. The Planning Board may grant a waiver for superior design which relates to adjacent architecture or other public purpose.
- 13) All storefronts shall incorporate a cornice element or horizontal projection above the storefront glazing separating ground floor uses from the building above.
- 14) Ground floor storefront bulkheads below the display windows shall be a maximum of 18 inches in height above sidewalk grade.
- 15) All storefront façades shall incorporate a minimum of 70% transparent glass.
- 16) All ground floor entryways shall be recessed or designed to avoid door swings into any public right-of-way.

B) BUILDING REQUIREMENTS: Neighborhood Mixed Use District

- 1) For all new construction more than 20 feet taller than the average of adjacent buildings, a building stepback, change in facade materials, change in glazing ratio or pattern, cornice line, or other architectural feature shall be utilized in line with adjacent buildings heights to contextualize the massing of new construction.
- 2) The former Cameo Theater on Block 28204 Lot 24 shall, to the greatest extent possible, rehabilitate the existing structure in accordance with the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*.

C) BUILDING REQUIREMENTS: Historic Neighborhood Mixed Use District

- 1) Buildings in the Historic Center Zone shall be rehabilitated in accordance with the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*.
- 2) Existing buildings shall implement rehabilitation that restores the building's exterior

façade to its original profile to the extent possible within reasonable engineering methods and cost. Restoration of original window and door openings is encouraged to the extent feasible.

- 3) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- 4) All buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 5) Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.
- 6) The surface cleaning shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials are strictly forbidden as they destroy the essential water resistant glazing on the exterior of brick and masonry, and scour, scar and obliterate the surface.
- 7) For rear additions to the existing buildings, the following shall apply:
 - a) Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.
 - b) Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.
 - c) Designing new additions in a manner that makes clear what is historic and what is new.

D) FLOOR HEIGHT REQUIREMENTS

- 1) Residential floor-to-ceiling heights must be a minimum of 9 feet and a maximum of 12 feet, excepting drop ceilings in kitchens, bathrooms, corridors, and other similar spaces.
- 2) Ground floor residential uses (where permitted) must be 3 feet above sidewalk grade or set back from a front property line by 3 feet and screened with raised landscaping enclosed by a minimum 6x6 inch masonry curb. Building lobbies may be at grade for ADA accessibility.

E) PARKING STANDARDS

- 1) Bicycle Parking Provisions: Bicycle parking shall be provided pursuant to the requirements found in the Jersey City Land Development Ordinance.
- 2) Automobile Parking requirements:
 - a) As required per zone in Article VIII of this plan.
- 3) Design Standards for off-street parking facilities:
 - a) To the greatest extent practicable, all ground floor parking must be wrapped by active uses, such as residences, retail, or other principal uses.

- b) Any parking structure shall be designed to eliminate headlight glare by the provision of opaque screening for head lights and placement of interior garage lighting to be directed into the structure and/or mounted on the interior side of columns so as to prevent glare from such lighting to be visible from the street or adjacent property. Light fixture details and location shall be included within the garage floor plan at the time of site plan application.
- c) The façade of all parking levels shall be of a compatible material to that used throughout the development or adjacent structures and shall be designed to provide visual interest.
- d) All openings must be screened with glass or decorative façade materials. Any openings shall be in a vertical proportion. Open horizontal bands along the façade of any parking structure are prohibited.
- e) Exterior lighting of the screening materials on a parking structure façade may be required by the Planning Board in order to provide additional visual interest in terms of light and shadow and to further mask the interior lighting of the parking structure and headlight glare.
- f) All pedestrian access points shall be provided at street level and designed to encourage street activity. Overhead or elevated pedestrian or vehicular connections are prohibited.
- g) Parking stall and aisle size requirements are pursuant to the regulations found in the Jersey City Land Development Ordinance.
- h) Off-street parking and loading areas shall be coordinated with the public street system serving the project area in order to avoid conflicts with through traffic or obstruction of pedestrian walks and thoroughfares.
- i) Surface parking lots (where permitted) and all loading areas shall provide a screen planting of dense evergreens along any street line and along all property lines except those instances where a building intervenes or where the proposed planting may interfere with sight triangles. Within the parking area, a minimum of three percent (3%) of the parking area shall be landscaped and maintained with shrubs no higher than three (3) feet and trees with branches no lower than six (6) so that the landscaping is dispersed throughout the parking area.
- j) The number and design of off-street loading spaces shall be demonstrated by an applicant according to an anticipated need. All freight loading activities are encouraged to be restricted to early morning and/or late evening hours. The design and number of off-street loading shall be regulated by the Jersey City Land Development Ordinance.
- k) For parking facilities with 30 spaces or less, driveway widths shall be a maximum of 12 feet. For all other parking facilities, driveway widths shall be a maximum of 18 feet.
- l) For lots with 100 feet of street frontage or less, there shall be no more than one vehicular egress point per lot. For lots with 101 feet of street frontage or more, there may be one egress point for every hundred feet of frontage or portion thereof.
- m) All site plan applications for parking structures should demonstrate the ability to provide for electric vehicle charging stations in the future.

- 4) All developments which propose valet parking shall submit a parking management plan. Such plan shall include but not be limited to: number of vehicles to be parked, number of rows of cars to be stacked, all parking stall and aisle widths and any other information deemed necessary to effectively evaluate the management plan. All parking management plans shall be subject to review and approval of the Division of Traffic Engineering, the Division of City Planning and the Planning Board. Valet parking schemes shall not be permitted to increase the total number of parked cars above the maximum number of permitted spaces.

F) LANDSCAPING AND LIGHTING REQUIREMENTS

- 1) Landscaping shall be required for any part of any parcel not used for buildings or off-street parking. The developer's plan shall include proposals for landscaping indicating the location, size and quantity of the various species to be used.
- 2) All plant material used must be able to withstand an urban environment. All screen planting shall be a minimum of 4 feet high and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Planning Board. Ground cover shall be used in place of mulch.
- 3) All new trees shall be of a species and gender so as to minimize fruit and pollen.
- 4) Any landscaping which is not resistant to the environment or dies within 2 years of planting shall be replaced by the developer.
- 5) Street trees shall be planted along curb lines of streets in a regular pattern, spaced at one-half the mature spread of the tree canopy to further enhance the aesthetic quality of the redevelopment area. All trees shall be a minimum of three (3) inches in caliper.
- 6) Lighting within the site shall sufficiently illuminate all areas, including those areas where buildings are setback or offset to prevent dark corners.
- 7) All lighting sources must be adequately shielded to avoid any off-site glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot candles.
- 8) All landscaping must be fully enclosed by curb or seating wall constructed of a masonry or metal material with a minimum of 6 inch in height. Landscaping shall be elevated to match the height of the curb or seating wall.

G) BUILDING MATERIALS REQUIREMENTS

- 1) Synthetic stucco materials such as EIFS is prohibited. Any stucco material used must be fine grained with a smooth stipple finish to reflect a more stone like appearance and qualities of light reflection.
- 2) Concrete block may not be used as a decorative finish on any façade.
- 3) Front cantilevered balconies may project no more than 12 inches from the façade.
- 4) Use of chain link fencing, razor wire, barbed wire, or other similar security devices is expressly prohibited. Chain linked fencing may be temporality utilized during construction only.
- 5) Security Gates: All front security gates shall be completely composed of the open mesh type, except for two feet at the bottom of the gate which may be solid. Storage boxes for all security gates shall be mounted on the interior of the building. Gate tracks shall be recessed into the glazing reveal and the gate housing shall be flush with the plane of the storefront. No storage box, tracks or mechanical devices related to the gates may project from the plane of the storefront.

X) SIGNAGE REGULATIONS

A) Signage Approval Process

- 1) All signs are subject to site plan review when included as part of a major site plan application.
- 2) All temporary banner signs for marketing projects on site shall be considered as an interim use.
- 3) All new signage that complies with the redevelopment plan shall not require site plan approval.
- 4) Minor Site Plan application with deviation must be submitted to the Planning Board for all non-conforming sign proposals.
- 5) During construction, one (1) temporary sign indicating: the name of the project or development, general contractor, subcontractor, financing institution and public entity officials (where applicable) shall be permitted. The sign area shall not exceed forty (40) square feet.

B) Number and Size of Signage

- 1) The building address is required to be placed on either the main entry door, transom window, building, or awning flap at a maximum font height of 10 inches.
- 2) Sign requirements for retail, restaurant and other similar ground floor uses:
 - a) Each use fronting on a public street may be permitted one (1) exterior sign per store front bay on each street frontage.
 - b) Maximum sign height shall be 32 inches or the height of the architectural sign band in the building's facade or transom window.
- 3) Sign requirements for all other uses:
 - a) Each such use fronting on a public street may be permitted one (1) exterior sign per entryway per street frontage. Buildings with multiple uses shall have no more than one (1) sign per use.
 - b) The total exterior sign area shall not exceed the equivalent of 5 percent of the first story portion of the wall to which it is attached. In no case shall a sign on any structure exceed 20 square feet.

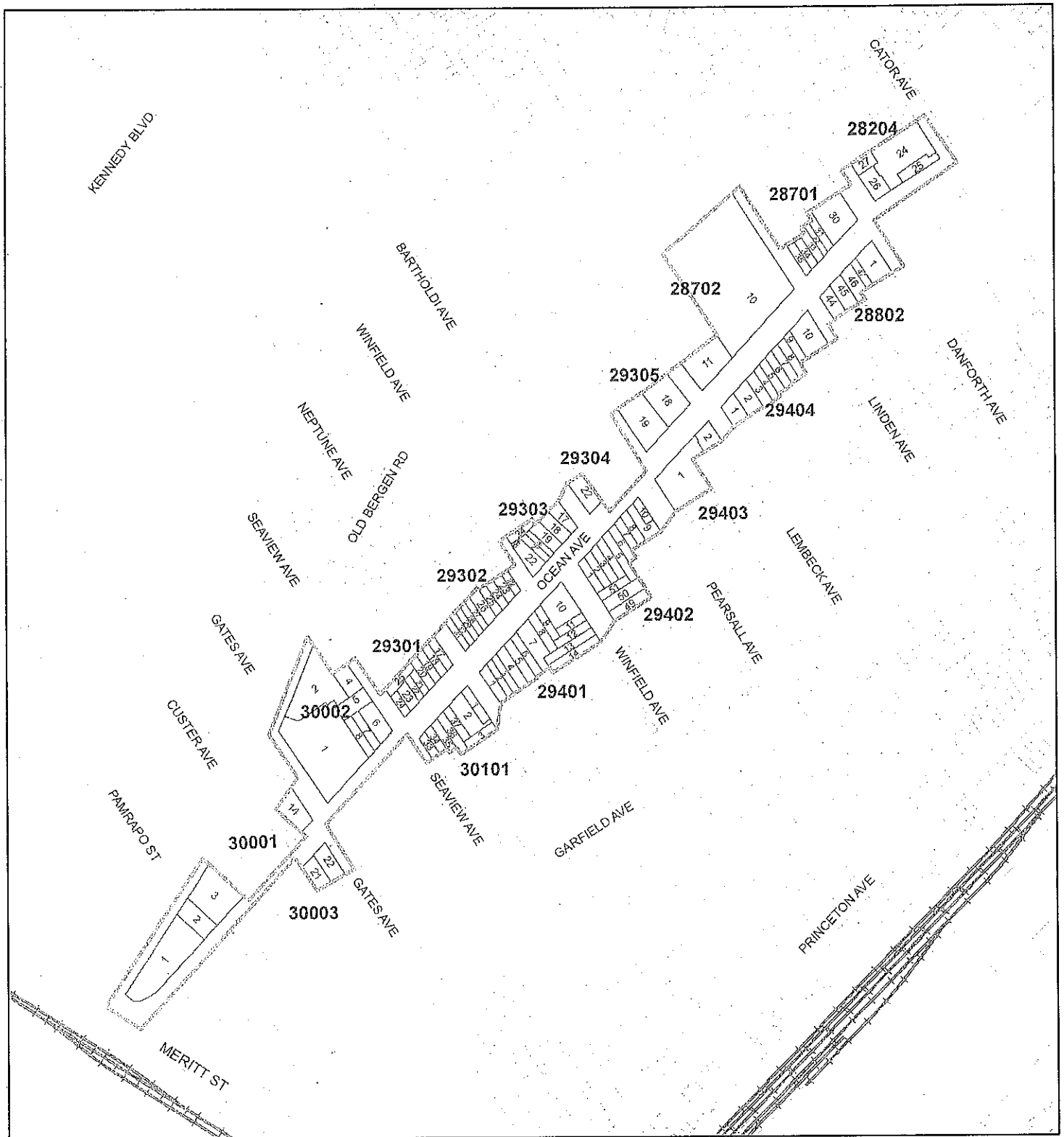
C) Sign Design Requirements

- 1) All signs shall be attached to the first floor level of the building only.
- 2) All wall signs shall be flush mounted.
- 3) All blade signs shall project no more than 30 inches from the façade and the bottom of the sign must be a minimum of 9 feet above the sidewalk.
- 4) Window signs (other than lettering and logos as specifically permitted) shall be prohibited. Lettering or logos shall be limited to decorative metal leaf, flat black or etched / frosted glass style lettering and shall be limited to the name of the business occupying the commercial space / storefront and shall cover no more than twenty (20%) of the window area.
- 5) Permitted signage material includes:
 - a) Painted wood.
 - b) Painted metals including aluminum and steel.
 - c) Brushed finished aluminum, stainless steel, brass, copper, or bronze.
 - d) Carved wood or wood substitute.
 - e) Channel letters.

- 6) Permitted lettering material includes:
 - a) Lettering forms applied to the surface of the sign.
 - b) Single colored lettering forms applied to the surface of the sign.
 - c) Metallic solid body letters with or without returns.
 - d) Painted acrylic or metal letter.
 - e) Vinyl lettering attached permanently to a wood, wood substitute or metal signboard.
- 7) Signs may be lit from backlit halo and up-lights.
- 8) Storefront windows shall not be blocked by any interior display case or other form of barrier. Pedestrians on the street shall have the ability to see into the shop and view the activity within.
- 9) Signs may include the name of the store only. Building address, phone number, operating hours and other additional information may be stenciled on the door.
- D) Parking Garage Signage
 - 1) One (1) sign shall be provided per entrance to garages indicating the parking facility by the international parking symbol and direction arrow. The sign area shall not exceed twenty (20) square feet. If applicable, one (1) sign per entrance may be allowed indicating parking rates, not to exceed eight (8) square feet.
 - 2) Portable signs are not permitted for parking garages.
- E) Prohibited Signs
 - 1) Billboards.
 - 2) Portable advertising signs not associated with use within 10 feet are strictly prohibited.
 - 3) Internally or externally illuminated box signs
 - 4) Flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle.
 - 5) Window signs, posters, plastic or paper that appear to be attached to the window.
 - 6) Pole signs.
 - 7) Waterfall style or plastic awnings.

XI) MAPS

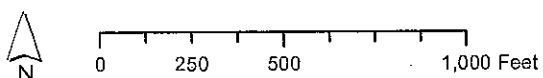
- 1) Boundary Map
- 2) Zone Districts Map

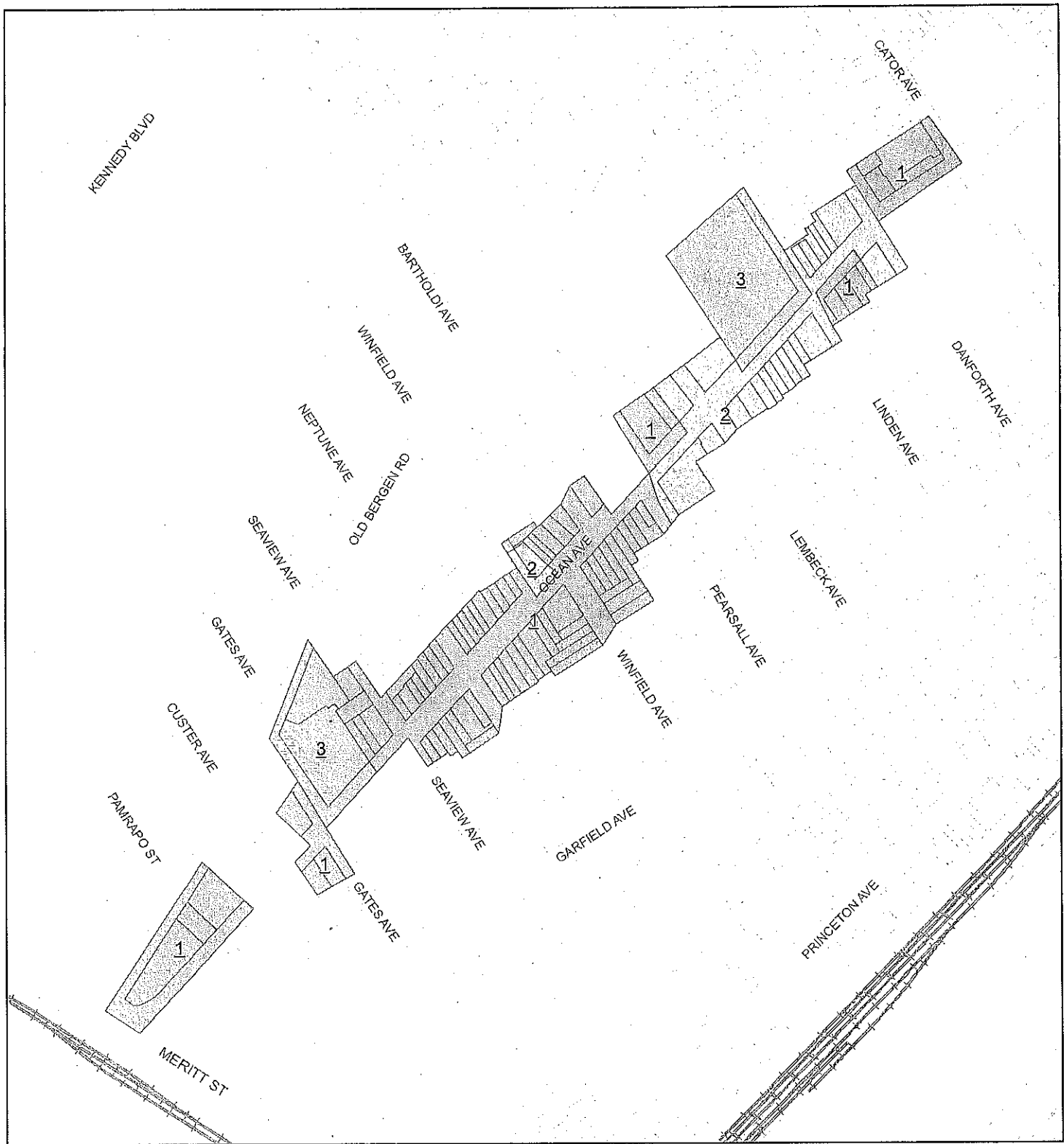


OCEAN AVENUE SOUTH
MAP 1: PLAN BOUNDARY

OCTOBER 15, 2015

1 inch = 500 feet

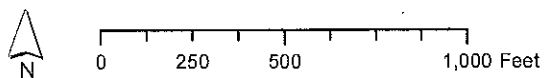




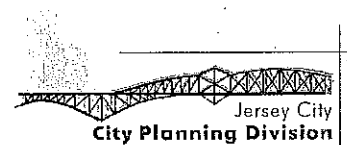
OCEAN AVENUE SOUTH MAP 2: LAND USE

SEPTEMBER 10, 2015

1 inch = 500 feet



- 1.) Neighborhood Mixed Use
- 2.) Historic Neighborhood Mixed Use
- 3.) Future Development



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Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.187
TITLE: 3.0 DEC 16 2015 4.K JAN 13 2016

Ordinance of the Municipal Council of the City of Jersey City
adopting the Ocean Avenue South Redevelopment Plan.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H. 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

LAVERN WASHINGTON

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 16 2015
Adopted on second and final reading after hearing on JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on JAN 13 2016

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr.
Rolando R. Lavarro, Jr., Council President
Date JAN 13 2016

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor
Date JAN 15 2016

Date to Mayor JAN 14 2016